

SENATE.

MONDAY, March 11, 1912.

The Senate met at 2 o'clock p. m.

AUGUSTUS O. BACON, a Senator from the State of Georgia, took the chair as President pro tempore under the previous order of the Senate.

The Journal of the proceedings of Saturday last was read and approved.

COTTON GOODS IN ITALY (H. DOC. NO. 611).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent Ralph M. Odell on cotton goods in Italy which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 83) making appropriations to meet certain contingent expenses of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted at the forty-fifth national encampment of the Grand Army of the Republic at Rochester, N. Y., favoring an appropriation for the erection of a memorial amphitheater at the Arlington National Cemetery, which were referred to the Committee on Public Buildings and Grounds.

He also presented resolutions adopted by Gettysburg Post, No. 39, Department of Indiana, Grand Army of the Republic, of Spencer, Ind., favoring the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented a memorial of the National Colored Personal Liberty League, remonstrating against the enactment of legislation to better regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Salem, N. J., and a petition of the congregation of the German Evangelical Church of Augusta, Wis., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a memorial of the Merchants' Association of New York, N. Y., remonstrating against any reduction being made in the annual appropriation for the maintenance of the Diplomatic and Consular Service, which was referred to the Committee on Appropriations.

He also presented a memorial of the Epworth League of the Methodist Episcopal Church of Naperville, Ill., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of San Jose, Cairo, Effingham, Rockford, and Chicago, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Marion, West Salem, Mill Shoals, Dongola, and McLeansboro, all in the State of Illinois, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Methodist Federation for Social Service, praying that an appropriation of \$250,000 be made to enforce the provisions of the so-called white-slave act, which was referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Du Quoin and Chicago, in the State of Illinois, praying for the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Commercial Club, of Belleville, Ill., praying for the enactment of legislation to provide for the arbitration of threatened coal-strikes, which was referred to the Committee on Education and Labor.

He also presented the memorial of the Woman's Christian Temperance Union, of Mazon, Ill., remonstrating against the use of phosphorus in the manufacture of matches, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Decatur, Effingham, Streator, and Chicago, all in the State of Illinois, praying for the enactment of legislation to provide for the pensioning of widows and orphans of veterans of the Spanish-American War and the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Borne Gap, Ill., praying for the enactment of legislation to provide for the establishment of a Bureau of Markets in the Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 72, International Union of Stove Mounters and Steel Range Workers, of Belleville, Ill., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 72, International Union of Stove Mounters and Steel Range Workers, of Belleville, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Marshall, Ill., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Alberson, Ore., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CULBERSON presented a memorial of sundry citizens of D'Hanis, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. MYERS presented petitions of sundry citizens of Butte, Mont., praying for the enactment of legislation to prohibit the use of phosphorus in the manufacture of matches, which were referred to the Committee on Finance.

He also presented petitions of the congregations of the First Presbyterian Church, the Christian Church, the Bethel Baptist Church, the First Baptist Church, the Bethel Methodist Episcopal Church, and of St. Paul's Methodist Church, and of sundry citizens of Butte, all in the State of Montana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Montana, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented petitions of the congregation of the Congregational Church of Pittsford; of the Central Epworth League, of Lansing; of the Woman's Christian Temperance Unions of Novi, Whitehall, Sanford, and Coopersville; and of sundry citizens of Pentwater, Coopersville, Whitehall, Detour, Saginaw, Dayton, Prescott, Belding, Walkersville, Shultz, Brighton, and Bendon, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Big Rapids, Laurium, and Hancock, all in the State of Michigan, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Stevens Post, No. 66, Department of Michigan, Grand Army of the Republic, of East Jordan, Mich., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Farmers' Institute, in convention at the Michigan Agricultural College, East Lansing, Mich., favoring the enactment of legislation to establish standard packages and grades for apples, which was referred to the Committee on Standards, Weights, and Measures.

He also presented a petition of members of the Medical Club of Ann Arbor, Mich., praying for the enactment of legislation providing for the establishment of a department of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. KERN presented a memorial of sundry citizens of Kokomo, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Williamson Post, No. 364, Department of Indiana, Grand Army of the Republic, of Paoli, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 332, of Muncie, Ind., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Odon, Ind., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented a memorial of sundry employees of the Waltham Watch Co., of Waltham, Mass., remonstrating against any reduction of the tariff on watch movements and parts of watches, which was referred to the Committee on Finance.

He also presented a memorial of sundry employees of the George F. Blake Manufacturing Co., of East Cambridge, Mass., remonstrating against any reduction of the tariff on steam engines and other machinery, which was referred to the Committee on Finance.

Mr. WARREN presented a petition of Admiral John W. Philip Post No. 19, American Veterans of Foreign Service, of Denver, Colo., praying for the enactment of legislation providing for the payment of travel pay and allowances to certain officers and enlisted men who served during the Philippine insurrection, which was referred to the Committee on Military Affairs.

Mr. STONE presented a memorial of sundry citizens of Springfield, Mo., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented a petition of sundry citizens of Ashland, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the Woman's Christian Temperance Union, of Fletcher, Vt., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented a memorial of sundry citizens of New Britain, Conn., remonstrating against the enactment of legislation compelling manufacturers to stamp their name on all articles manufactured, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the German-American Alliance, of Connecticut, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Westville Congregational Church, of New Haven, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Woman's Christian Temperance Union, of New Britain, Conn., remonstrating against the repeal of the anticaneen law, which was referred to the Committee on Military Affairs.

He also presented a memorial of Local Grange No. 149, Patrons of Husbandry, of Easton, Conn., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Ward Cheney Camp, No. 13, Department of Connecticut, United Spanish War Veterans, of South Manchester, Conn., and a petition of W. S. Steele Camp, No. 19, United Spanish War Veterans, Department of Connecticut, of Torrington, Conn., praying for the enactment of legislation to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

Mr. CRANE presented a petition of sundry citizens of Revere, Mass., praying that an investigation be made into the conditions prevailing at the Federal prison at Leavenworth, Kans., which was referred to the Committee on the Judiciary.

Mr. BOURNE presented a petition of the congregation of the Presbyterian Church of Fairmount, Oreg., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of W. S. Steele Camp, No. 19, Department of Connecticut, United Spanish War Veterans, of Torrington, Conn., praying for the enactment of legislation to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented resolutions adopted by the Connecticut Hardware Association, in convention at New Haven, Conn., favoring the adoption of 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Connecticut Hardware Association, in convention at New Haven, Conn.,

remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Waterbury, Conn., praying for the adoption of certain amendments to the postal savings bank law, which was referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented petitions of the congregation of the Methodist Episcopal Church of Slaughter Neck; of the Woman's Christian Temperance Union of Greenwood; and of sundry citizens of Cedar Creek Hundred, all in the State of Delaware, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry business firms of Pittsford, Mount Clemens, and Plymouth, all in the State of Michigan, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Ann Arbor, Mich., praying for the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Board of Trade of Evart, Mich., praying for the adoption of 1-cent postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Builders and Traders' Exchange of Detroit, Mich., remonstrating against the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a memorial of Stevens Post, No. 66, Department of Michigan, Grand Army of the Republic, of Jordan, Mich., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of Camp No. 2, Sons of Veterans, of Marshall, Mich., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Atlas, Tecumseh, Prattville, Pierson, Laingsburg, North Star, Brooklyn, and Drummond, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Shelby, Newberry, Honor, Traverse City, Lake Odessa, Big Bay, Bendon, and Cass City, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Saginaw, Mich., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, with the so-called Root amendment, and also for the ratification of a similar treaty with Germany, which was ordered to lie on the table.

Mr. CLAPP presented petitions of sundry citizens of Minneapolis, Minn., praying for a reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented a petition of John C. McEwen Camp, No. 6, Department of Minnesota, United Spanish War Veterans, of Duluth, Minn., praying for the enactment of legislation to provide for the pensioning of widows and orphans of veterans of Spanish-American War and the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Minneapolis, Blue Earth, St. Paul, Winnebago, Ada, Albert Lea, Tracy, and Montevideo, all in the State of Minnesota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also (for Mr. LA FOLLETTE) presented petitions of sundry citizens of Sharon, Brodhead, and Endeavor, all in the State of Wisconsin, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also (for Mr. LA FOLLETTE) presented memorials of sundry citizens of Tomahawk, Reeseville, Manitowoc, Arlington, and Arcadia, all in the State of Wisconsin, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. LA FOLLETTE) presented memorials of sundry citizens of Walworth and Waupaca County, in the State of Wisconsin, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District

of Columbia, which were referred to the Committee on the District of Columbia.

He also (for Mr. LA FOLLETTE) presented a memorial of the Milk Producers' Association of Wisconsin, Illinois, and Indiana, remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

IMMIGRATION STATISTICS (S. DOC. NO. 401).

Mr. LODGE. I ask to have printed as a Senate document a table of statistics relating to the coming in of immigrants during the last 10 years. It is a very brief table, and it is desired for use in the debate on that subject.

The PRESIDENT pro tempore. The Senator from Massachusetts asks for the printing of a table he has indicated. It will be so ordered, without objection.

PELATIAH WEBSTER AND THE CONSTITUTION (S. DOC. NO. 402).

Mr. LODGE. I wish to ask for the printing of another brief document. Some time ago some papers were printed as a Senate document relating to Pelatiah Webster and the Constitution. This paper bears on the same matter. It will make a document of only two or three pages, and it is necessary to complete what has been printed. I ask that it may also be printed.

The PRESIDENT pro tempore. Without objection, it will be ordered accordingly.

REGULATION OF IMMIGRATION.

Mr. LODGE. I will take this opportunity to give notice that on Wednesday, immediately after the routine morning business, I shall call up the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, as the Senator from North Carolina [Mr. SIMMONS] desires to address the Senate on that bill.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 2186) to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park, reported it with an amendment and submitted a report (No. 473) thereon.

Mr. MARTINE of New Jersey, from the Committee on Claims, to which was referred the bill (S. 4714) for the relief of Martha E. Conklin, submitted an adverse report thereon (No. 472), which was agreed to, and the bill was postponed indefinitely.

REPORT OF NATIONAL MONETARY COMMISSION.

Mr. SMOOT, from the Committee on Printing, to which was referred House concurrent resolution 28, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed, for the use of the House of Representatives, 30,000 copies of the report, with accompanying bill, of the National Monetary Commission, to be delivered to the superintendent of the folding room of the House of Representatives for distribution.

FERTILIZER RESOURCES OF THE UNITED STATES.

Mr. SMOOT, from the Committee on Printing, to which was referred House concurrent resolution 40, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies of Senate Document No. 190, Fertilizer Resources of the United States, message from the President of the United States, December 18, 1911, for the use of the House.

DEVELOPMENT AND CONTROL OF WATER POWER.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution 238, for the printing of 500 copies of Senate Document No. 274, submitted by Mr. BURTON February 28, 1912, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed 500 copies of Senate Document No. 274 for the use of the Corps of Engineers, United States Army.

WEATHER BUREAU OBSERVATORY BUILDING AT BILLINGS, MONT.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (S. 4566) to provide for the purchase of ground and the erection of a Weather Bureau observatory building at Billings, Mont. (S. Rept. 471).

Mr. MYERS. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Utah.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate the sum of \$18,000 for the purchase of ground and the erection of a Weather Bureau observatory building at Billings, Mont., the construction to be under the supervision and control of the Chief of the Weather Bureau; plans and specifications to be approved by the Secretary of Agriculture.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 5758) for the relief of Pinkney Rollins; to the Committee on Claims.

A bill (S. 5759) to correct the military record of Timothy Edwards;

A bill (S. 5760) to correct the military record of Wilson Rice;

A bill (S. 5761) to correct the military record of William R. Shelton; and

A bill (S. 5762) to correct the military record of James Payne; to the Committee on Military Affairs.

A bill (S. 5763) granting an increase of pension to Ephriam Lunceford;

A bill (S. 5764) granting an increase of pension to Robert Lisenbee;

A bill (S. 5765) granting an increase of pension to Elijah P. Hensley;

A bill (S. 5766) granting an increase of pension to Spencer Rice;

A bill (S. 5767) granting an increase of pension to William M. Gentry;

A bill (S. 5768) granting an increase of pension to Edward Smith Tennent;

A bill (S. 5769) granting an increase of pension to Smith F. Carroll;

A bill (S. 5770) granting an increase of pension to Sophronia Roberts; and

A bill (S. 5771) granting an increase of pension to William Cody; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5772) granting an increase of pension to William E. McGee (with accompanying papers); to the Committee on Pensions.

A bill (S. 5773) for the relief of Rollo B. Oglesbee and others; to the Committee on Claims.

By Mr. CRAWFORD:

A bill (S. 5774) granting a pension to John S. Lewis (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5775) for the relief of William S. McCollam (with accompanying paper); to the Committee on Claims.

By Mr. JONES:

A bill (S. 5776) authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes; to the Committee on Indian Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 5777) granting a pension to Michael Quinn; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5778) granting a pension to Francis Redmond;

A bill (S. 5779) granting an increase of pension to Nathan Vanaman; and

A bill (S. 5780) granting a pension to Ida M. Goodwin; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 5781) granting an increase of pension to Daniel Miller;

A bill (S. 5782) granting a pension to Minnie D. Dobbins;

A bill (S. 5783) granting an increase of pension to Michael H. Dibert; and

A bill (S. 5784) granting an increase of pension to Francis M. Canfield (with accompanying paper); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 5785) granting an increase of pension to Anna M. Fowler;

A bill (S. 5786) granting an increase of pension to Anna Bond; and

A bill (S. 5787) granting an increase of pension to Welcome E. Moffitt; to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 5788) to continue and complete the Conduit Road along and over that part of the Government Aqueduct, which can not now be reached by conveyance, for a distance of about 2 miles from the Anglers' Club to the Great Falls of the Potomac River, in Maryland, in order to afford a suitable driveway for the convenience of the public; to the Committee on Military Affairs.

By Mr. THORNTON:

A bill (S. 5789) granting an increase of pension to Samuel Pincus, alias Jacob Harris (with accompanying paper); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 5790) for the relief of C. E. Moore; to the Committee on Post Offices and Post Roads.

CONSULATE AT HANKOW, CHINA.

Mr. NELSON submitted an amendment proposing to appropriate \$60,000 for the erection of a consular building for the use of the consul general at Hankow, China, intended to be proposed by him to the diplomatic and consular appropriation bill (H. R. 19212), which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Foreign Relations.

PROPOSED PENSION LEGISLATION.

Mr. POMERENE. I desire to give notice that, with the permission of the Senate, I will make some remarks on proposed pension legislation on next Friday, at the conclusion of the routine morning business.

THE PRESIDENTIAL TERM.

The PRESIDENT pro tempore. The morning business is closed.

Mr. WORKS. Mr. President, I desire to submit some brief remarks upon Senate joint resolution 78, proposing an amendment to the Constitution of the United States. I will ask to have the joint resolution laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution indicated by the Senator from California. It will be read.

The Secretary read the joint resolution, introduced by Mr. WORKS February 13, 1912, as follows:

Resolved, etc., That the following be proposed as an amendment to the first paragraph of section 1 of Article II of the Constitution of the United States, which will be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States, namely: Amend said paragraph to read as follows:

"The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of six years and shall be ineligible to a second term, and, together with the Vice President, who shall hold for a like term, and shall also be ineligible to a second term, be elected as follows:"

Mr. WORKS. Mr. President, I have offered a resolution proposing an amendment to the Constitution of the United States that will fix the term of office of the President of the United States at six years instead of four years, as now provided, and making him ineligible to a second term. It was at once assumed in some quarters that this was intended as a movement for some candidate for President and against some other candidate. I assure the Senate at the outset that in proposing the amendment I was influenced by no such consideration and had no such intention. This is no place to talk politics or do politics. My purpose is to do what I can to keep politics out of the White House. I wish I might, with the help of other Members of this body, banish politics from the Halls of Congress forever and confine the Congress of the United States, one of the greatest legislative bodies in the world, to its lawful and legitimate functions, uninfluenced by the passions and sordid selfishness of politics.

I am not urging this amendment to the Constitution because of the length of time a President may serve, but to prevent his holding a second term, with all the evils resulting from the use of patronage to secure a renomination and reelection. I would not object to the holding of a second term if such second term did not follow immediately after the first. I would rather—much rather—see one term of 10 years than two terms of 4 years each in immediate succession.

Mr. President, this movement to bring about the amendment of the Constitution is not the result of a sudden impulse. It is not a personal matter. It has no connection with the coming political campaign. It is intended to correct a great evil that has grown up under the Constitution as it now is and which is growing with every political campaign. If this change were made, the American people would be spared the humiliating spectacle of a President of the United States traveling up and down the country, guarded by an Army officer and private detectives, making political speeches and urging his own reelection. The White House would not be turned into a political press gallery, managed by the Secretary to the President. The official head of this great Nation would be free from the overpowering temptation to use his office and his power as such to secure a second term. Time was when such efforts to secure the great office of President of the United States was looked upon as a disgrace to the Nation and unworthy of a candidate therefor.

It was an unfortunate day for this country when one of its distinguished, honorable, and well-beloved citizens inaugurated the system, as a candidate for President, of receiving delegates at his home and discussing political questions, ostensibly for their information but, in fact, to be sent broadcast throughout the country. That was the beginning of an evil and wholly inexcusable custom, by which the great office of President of the United States was brought down to the level of self-seeking politics and personal appeals for office. Now, and for a long time, the candidate does not wait for delegations to come to him. He goes out on the stump and discusses political questions, abuses his opponents, and urges the continuance in power of his party, involving his own reelection. To me it is a pitiful and humiliating spectacle. Who does a President represent in his official capacity during his term of office? Presumably the whole people of the country of every political faith and shade of belief. But does he, in fact, under present conditions? No, Mr. President, he does not. The President has come to be regarded as the head of his political party. Instead of laying aside politics and assuming the position of representative of the people, he becomes, if he had not been so before, a politician, the titular head and leader of his party, with all that that implies. And what does it imply and what follows? Every appointee of his, from the highest to the lowest office, considers that he owes him not official loyalty alone, but political and personal loyalty as well. He seems to feel that he must support the President in his political views and aspirations, personal and otherwise, even to supporting him for reelection, or get out of office. Few of them choose the latter course.

Mr. President, the evils of such a system are too obvious to need comment. Every thinking man sees and knows the evils of it; but what are we doing to prevent it? One President may very well say, in his justification, or by way of excuse, for nothing can justify it: "Other Presidents have done it before me. It is the custom. Why should I not secure a second term by such means as my predecessors have done?" I have lived in hopes that some time we would elect a Chief Magistrate of this Republic with moral courage and determination enough to put this pernicious and obnoxious custom under his feet. I have been disappointed. I realize that the temptation to follow the custom, and thus secure a reelection, is a tremendous temptation. So far it has been an overpowering one.

Let us look for a moment at the consequences, or some of them, that flow from this condition of things. The President has the power to appoint thousands of public officers. They are found in every city, town, and village in the country. Every one of these appointees, from a Cabinet officer down, with very rare exceptions, considers himself as owing political allegiance to the President personally. In fact, with most of them, this personal political allegiance is looked upon as far more binding than their official obligation to the public. When the presidential term of office is about to expire you will find them all from the highest to the lowest lined up for him and supporting him for a second term. If they are capable of it they take the stump in his behalf. If not stump orators, they belong to the gum-shoe brigade that works so effectually with the individual voter. The question of his fitness for a second term or his convictions on fundamental governmental questions has no weight with them. He is their political chief, as they understand, and their support is his absolute right. But there is another consideration of no little weight with the President's appointees. If he is not reelected they will lose their jobs and thereby the country be deprived of their most valuable services. Does anyone believe that the people of this country are satisfied with this condition? Certainly they are not. They do not believe in it. It is a custom that has been under public censure and condemnation from the time it was inaugurated.

It is not alone that such a system enables the President to build up a great political machine, with representatives in every county of every State in the Union, through which he may force his renomination, that it meets with public condemnation, but because it imposes a burden upon the presidential office that it should not bear. Why should the President be burdened with the appointment of the thousands of Federal officials now subject to his choice? Why should Senators and Representatives in Congress be burdened with the power of recommending applicants for appointment or given that right? Why should not these appointments be placed under the classified civil-service rules and made to stand upon merit and not on political or personal favor of Senators or anyone else. I am glad to know that the present incumbent of the office of President has recommended that this be done. It does him credit. It is evidence of the fact that he recognizes the evils of the present system and is willing to see it destroyed. I hope his recommendation in this respect may be heeded and acted upon favorably by Congress.

Mr. President, the proposed amendment to the Constitution that I have offered would, if adopted, go a long way toward removing the evils of the present system. It would take away from the President every opportunity or temptation to strive for his own reelection or to use the power or influence of the thousands of his appointees to secure his reelection or the success of his party. It is a consummation devoutly to be hoped. Congress owes it to the people of the United States to adopt this amendment and allow the legislatures of the States to pass upon it.

I am not wedded to any particular term for the President, long or short. As I have said, the length of term is not the important matter to be considered. It is the right of the President, under the present rule, to succeed himself that I am combatting.

I would have no objection to four years or eight years as the term of office. I would not be willing to go beyond eight years. What I desire to impress upon the Senate is my unalterable objection to two terms, one following the other. I hope Senators will not pass this matter over lightly. I hope they will not regard it as in any sense political or as an effort to affect the political aspirations of any individual. I do not believe in changing the Constitution except for grave reasons affecting the public interests. I am particularly averse to any effort to changes affecting the fundamental principles of government. But I consider the change I am seeking to bring about as one of profound interest and grave consequence. It will not change the principles established by the Constitution, principles that we should be careful to maintain and preserve, or invade fundamental questions. It simply destroys a condition that has afforded an opportunity to build up a vicious political system that every good citizen should deplore.

The evil of this system is accentuated when applied to the condition of the Republican Party. A Republican candidate for President must look to the votes of the Northern States for his election. As a rule, no Republican electors are chosen in the Southern States. And yet a much greater representation, in a Republican national convention, in proportion to population, is allowed the Southern States than the Northern. Under the present basis of apportionment each State is given 4 delegates at large and 2 for each congressional district, irrespective of the number of Republican votes cast in the State or district. The result is that the Southern States that never send an elector to the electoral college practically control the nomination of the candidates, and the President, if a candidate for reelection, practically controls the selection of delegates to the convention from the Southern States. He controls them because the Federal officers in these States are his appointees, and, under this vicious system, his political supporters and lieutenants select the delegates. It is a notorious fact, that no one presumes to deny any more, that the Federal officers in those States dictate who shall go to the national convention as delegates. The inevitable result is that the delegates from the Southern States, with very rare exceptions, are for the President for renomination, all because of the pernicious patronage system that prevails and the power the President has as a result, when seeking a reelection. Let us look a moment at the probable outcome this year. The Republican national convention will have 1,076 delegates; necessary to the choice of a candidate, 539. Of these the 16 Southern States have 366. In these States the Republican vote is very light and has no effect on the result at the final election.

In Georgia, for instance, there are but 41,000 Republican voters, according to the last presidential election; yet those 41,000 Republican voters send 28 delegates to the national nominating convention. California, on the other hand, with 214,000 Republicans, has but 26 delegates in the nominating convention. Georgia has been Democratic ever since 1880, and has never contributed a single vote to the selection of a Republican President. California has been Republican every year with the exception of 1892, when it elected 8 Democratic electors.

Louisiana, with approximately 9,000 Republican voters, has 20 delegates in the national convention.

Mr. THORNTON. Mr. President, will the Senator from California allow me to interrupt him there?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Louisiana?

Mr. WORKS. Certainly.

Mr. THORNTON. The statement the Senator has just made that 9,000 Republicans vote in the State of Louisiana was doubtless taken from the statistics compiled some little time back. Just before the recent Democratic primaries in Louisiana four-fifths of them changed their party affiliation in order to vote in the Democratic primary, and there were not more than 1,500

Republican voters left. However, they will all go back again now.

Mr. WORKS. That is a little bit worse than I thought, Mr. President.

Mississippi, with 4,000 Republican voters, has 20 delegates; South Carolina, with 4,000 Republicans, has 18 delegates; Texas, with 65,000 Republicans, has 40 delegates.

All of these States are hopelessly Democratic and make no contribution whatever to Republican success. The party in these States is absolutely controlled by Federal officeholders. They control the party machinery, select delegates, and instruct them to support their political chief, as they regard him. The following data is interesting and instructive. Note the outcome.

	Republicans.	Delegates.
Virginia	52,000	24
Texas	65,000	40
South Carolina	4,000	18
Mississippi	4,000	20
Louisiana	9,000	20
Georgia	41,000	28
Florida	39,000	12
Total	214,000	162

Seven Southern Democratic States, with a Republican population of 214,000, have 162 delegates in the national nominating convention, while 214,000 Republicans in the single State of California, which is invariably Republican, have but 26 delegates. It may be said that the power to fix the basis of apportionment of delegates in the several States rests in the party and that the power of the Southern States may be reduced in that way. Yes; that is true, but unfortunately the very influences that control the Southern vote for other purposes control it to prevent such action. Efforts have been made to correct this palpable injustice, but without effect.

Mr. President, I have here a small table showing the vote and number of delegates in 16 Southern States, giving the name of the State, number of delegates, total vote, both Republican and Democratic, now forming the basis of representation in the convention, and the vote of the State, whether Republican or Democratic, at each presidential election from 1880 to 1908. I submit it for the consideration of the Senate and ask leave to incorporate it in my remarks without reading.

The PRESIDENT pro tempore. Without objection, permission to do so is granted.

The table referred to is as follows:

Southern States.	Number of delegates.	Republican.	Democratic.	1908	1904	1900	1896	1892	1888	1884	1880
1. Alabama.....	24	41,692	74,374	D	D	D	D	D	D	D	D
2. Arkansas.....	18	56,624	87,015	D	D	D	D	D	D	D	D
3. Florida.....	12	39,302	48,591	D	D	D	D	D	D	D	D
4. Georgia.....	28	41,692	72,350	D	D	D	D	D	D	D	D
5. Kentucky.....	26	235,711	244,092	D	D	D	R	D	D	D	D
6. Louisiana.....	20	8,958	63,568	D	D	D	D	D	D	D	D
7. Maryland.....	16	113,803	115,908	(D)	(D)	R	R	D	D	D	D
8. Mississippi.....	20	4,505	60,876	D	D	D	D	D	D	D	D
9. Missouri.....	36	347,203	346,574	R	R	D	D	D	D	D	D
10. North Carolina.....	24	114,887	136,928	D	D	D	D	D	D	D	D
11. Oklahoma.....	20	110,558	122,406	D	D	D	D	D	D	D	D
12. South Carolina.....	18	3,963	62,283	D	D	D	D	D	D	D	D
13. Tennessee.....	24	118,519	135,819	D	D	D	D	D	D	D	D
14. Texas.....	40	65,602	216,737	D	D	D	D	D	D	D	D
15. Virginia.....	24	52,573	82,916	D	D	D	D	D	D	D	D
16. West Virginia.....	16	137,869	111,418	R	R	R	R	D	D	D	D
Total	366										

12 Republicans, 6 Democrats.

1 Republican, 7 Democrats.

Mr. WORKS. It will be seen, Mr. President, that all of the 16 States, with one exception, have always gone Democratic. There is still hope for West Virginia. She has gone Republican half the time.

These 16 States, as I have pointed out, have 366 delegates out of a total of 1,076; enough, generally, to control the result.

The basis of apportionment is the fault of the Republican Party and has no excuse. The fact that a candidate for President, because he is at the time the incumbent of the office, can use this condition to insure his success is the fault of a vicious system that has grown up under that provision of the Constitution that I am seeking to have changed.

The Republican Party owes it to itself to change the basis of apportionment that results in such rank injustice. The Congress of the United States owes it to the people of this country to so change the Constitution as to remove every temptation

and opportunity to use the power or influence of the Presidential office to secure the reelection of the incumbent.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore. The calendar under Rule VIII is in order.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension the following-named persons at the rates stated:

Abel Buckingham, late of Companies I and L, First Regiment Michigan Volunteer Cavalry, \$24.

Wade Beach, late of Company D, Veteran Battalion, First Regiment Colorado Volunteer Cavalry, \$24.

James Goodwin, late of Company F, Third Regiment Wisconsin Volunteer Infantry, \$24.

James Lynch, late of U. S. S. *Ohio* and *Howquah*, United States Navy, \$30.

George I. Martin, late of Company D, Second Regiment California Volunteer Cavalry, \$24.

Peter M. Bryant, late of Company B, Thirteenth Regiment Kentucky Volunteer Infantry, \$24.

James Short, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, \$24.

John H. Jarrett, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, \$24.

John Lunsford, late of Company D, Forty-seventh Regiment Kentucky Volunteer Infantry, \$30.

William F. McKellup, late of Company A, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, \$24.

Lorentz Thoreson, late of Company D, Third Regiment Minnesota Volunteer Infantry, \$30.

George A. Wingrove, late of Company A, Second Independent Battalion Pennsylvania Volunteer Infantry, \$24.

Adam Smith, late of Company I, Sixty-second Regiment Pennsylvania Volunteer Infantry, \$40.

John Leister, late of Company G, Seventy-fourth Regiment Ohio Volunteer Infantry, \$30.

William F. Clark, late of Company K, Ninety-second Regiment Illinois Volunteer Infantry, \$40.

William L. Goodsell, late of Company D, Fiftieth Regiment New York Volunteer Engineers, \$24.

James McCue, late of Battery A, Third Regiment United States Artillery, \$30.

John W. A. Lawson, late of Company B, Fourth Regiment United States Volunteer Infantry, \$24.

Seth H. Tolles, late of Company E, Seventeenth Regiment Michigan Volunteer Infantry, \$24.

Jeremiah H. Taylor, late of Company A, One hundred and eighteenth Regiment Indiana Volunteer Infantry, \$30.

Balaam C. Hornaday, late of Company E, Thirty-sixth Regiment Indiana Volunteer Infantry, \$30.

Charles W. Riggs, late of Company B, Thirty-sixth Regiment Indiana Volunteer Infantry, \$30.

George H. Slightain, late of Company B, First Battalion, and Company A, Second Regiment, Nebraska Volunteer Cavalry, \$24.

Samuel M. Hoover, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, \$24.

Francis M. Cox, late of Company B, Forty-fourth Regiment Indiana Volunteer Infantry, \$24.

David Milford, late of Company A, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, \$30.

Alonzo L. Baker, late of Company K, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, \$24.

Eunice A. Starr, widow of Alfred H. Starr, late of Company L, First Regiment Missouri State Militia Cavalry, \$20.

Benjamin F. Spencer, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, \$24.

William J. Davis, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, \$24.

Archie S. Blackmer, helpless and dependent son of William A. Blackmer, late of Company A, Twenty-first Regiment Massachusetts Volunteer Infantry, and Company I, Forty-fourth Regiment Iowa Volunteer Infantry, \$12.

Robert B. Nicol, late of Company I, Eleventh Regiment New York Volunteer Cavalry, \$50.

Henry H. Larkin, late of Company L, Second Regiment Missouri Volunteer Cavalry, \$24.

Philo S. Bartow, late of Company B, One hundred and forty-fourth Regiment New York Volunteer Infantry, \$30.

Thomas D. Sheffield, late captain Companies H and E, and lieutenant colonel, Eighth Regiment Connecticut Volunteer Infantry, \$30.

Fletcher S. Dewey, late of Company K, First Regiment Ohio Volunteer Heavy Artillery, \$24.

Benjamin R. Chisam, late of Company B, Eleventh Regiment Kansas Volunteer Cavalry, \$30.

Hiram Brooks, late of Company I, Second Regiment New York Volunteer Mounted Rifles, \$24.

William G. Downs, late of Company H, Twentieth Regiment Ohio Volunteer Infantry, \$30.

Louise Schenkel, widow of Leonard Schenkel, late of Companies E and A, Third Regiment Maryland Volunteer Infantry, \$20.

Calvin Hitt, late of Company I, Stevenson's regiment New York Volunteers, War with Mexico, and Company B, Second Regiment Minnesota Volunteer Infantry, \$30.

Nancy B. Jenness, widow of Richard Jenness, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, \$20.

Joseph G. Marsh, late of U. S. S. *Clara Dolson* and *Winnabago*, United States Navy, \$24.

Robert H. Church, late of Company A, Eighty-first Regiment Illinois Volunteer Infantry, \$30.

Paul A. Greely, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, \$30.

Jennie West, helpless and dependent daughter of Jacob West, late of Sixteenth Battery Indiana Volunteer Light Artillery, \$12.

John Denny, late of Company C, Forty-ninth Regiment Indiana Volunteer Infantry, \$30.

William F. Hart, late of Twenty-sixth Independent Battery Ohio Volunteer Light Artillery, \$24.

Spencer Ford, late of Company F, Fifth Regiment United States Colored Volunteer Infantry, \$50.

James A. Hibbard, late of Company K, Fiftieth Regiment Illinois Volunteer Infantry, \$30.

Stoughton A. Cheever, late of Company C, Ninth Regiment Indiana Volunteer Infantry, \$24.

John Busha, late of Company H, Twelfth Regiment Wisconsin Volunteer Infantry, \$24.

David J. Ryan, late of Company I, Twenty-first Regiment, and Company D, Forty-first Regiment, Wisconsin Volunteer Infantry, \$24.

Francis Weaver, late of Company B, Ninth Regiment Iowa Volunteer Infantry, \$40.

Frederick White, late of Company D, First Regiment North Carolina Volunteer Infantry, \$30.

Josiah McElroy, late of Company F, Twenty-fourth Regiment Iowa Volunteer Infantry, \$24.

Simon C. Strickland, late second lieutenant Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, \$30.

Clem Reid, late of U. S. gunboat *Silvercloud*, United States Navy, \$30.

Seth H. Shurtleff, late of Company K, Third Regiment Massachusetts Volunteer Infantry, \$12.

Woodbury Day, alias John White, late of Company A, Twenty-eighth Regiment Massachusetts Volunteer Infantry, \$24.

George L. Keach, late of Companies F and B, Third Regiment Rhode Island Volunteer Heavy Artillery, \$30.

William Stoneking, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, \$24.

Aaron B. Mitchell, late of Company G, Twenty-first Regiment Ohio Volunteer Infantry, \$30.

William E. Ross, late of Company F, Tenth Regiment Indiana Volunteer Cavalry, \$24.

William Patterson, late of Company D, Ninetieth Regiment; Company I, One hundred and ninety-second Regiment; and Company I, Two hundred and fifteenth Regiment, Pennsylvania Volunteer Infantry, \$24.

John Fairbanks, late of Company C, First Regiment Wisconsin Volunteer Infantry, \$50.

Hiram F. Daniels, late of Company D, Twenty-second Regiment Michigan Volunteer Infantry, \$30.

Isaac D. Rowden, late of Company K, Twelfth Regiment Missouri Volunteer Cavalry, \$30.

David E. Banks, late of Company M, Second Regiment Illinois Volunteer Cavalry, \$30.

Amon H. Johnson, late of Company K, Thirteenth Regiment Michigan Volunteer Infantry, \$24.

John M. Jackson, late of Company A, Twenty-third Regiment, and Company D, Thirty-second Regiment, Maine Volunteer Infantry, \$30.

William J. Frazer, late of Company K, Ninth Regiment Kansas Volunteer Cavalry, \$30.

Joseph F. Smith, late of Company I, Eleventh Regiment New York Volunteer Cavalry, \$30.

Victor Tracy, late of Company G, First Regiment Maryland Volunteer Infantry, \$40.

Russell D. Royal, late of Company A, Seventh Regiment, and Company C, Sixteenth Regiment, Maine Volunteer Infantry, \$24.

Ann J. Rouse, widow of Asa W. Rouse, late of Company H, Eleventh Regiment Connecticut Volunteer Infantry, \$20.

Charles H. Senseney, late of Battery D, First Regiment West Virginia Volunteer Light Artillery, \$30.

Samuel Beatty, late first lieutenant Company I, Third Regiment Pennsylvania Reserves Volunteer Infantry, \$24.

George A. Chaffee, late of Company K, Tenth Regiment Vermont Volunteer Infantry, \$24.

Daniel Burket, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, \$40.

George W. Patterson, late of Battery F, First Regiment Ohio Volunteer Light Artillery, \$30.

Oliver C. Morris, late of Company K, Eightieth Regiment Ohio Volunteer Infantry, \$24.

Hardin T. Richardson, late captain Company C, Thirty-second Regiment Illinois Volunteer Infantry, \$30.

Elizabeth Teel, widow of John C. Teel, late of Company F, Thirtieth Regiment Iowa Volunteer Infantry, \$12.

Edwin D. Jones, late of Company F, Twenty-seventh Regiment Massachusetts Volunteer Infantry, \$24.

Frederick M. Miller, late of Company F, Twelfth Regiment Vermont Volunteer Infantry, \$12.

Edward D. Hagen, late of Company F, First Regiment Nevada Volunteer Cavalry, \$24.

Henry R. Kirk, late of Company E, Tenth Regiment Kentucky Volunteer Cavalry, \$24.

Joel W. Gladson, late of Company A, Eighteenth Regiment Illinois Volunteer Infantry, \$24.

Catherine S. Wales, widow of William W. Wales, late of Company G, Fifth Regiment Rhode Island Volunteer Heavy Artillery, \$20.

Sarah A. Peck, widow of Edward K. Peck, late of U. S. S. *Albatross*, United States Navy, \$20.

Hiram B. Morey, late of Company E, Eighth Regiment Maine Volunteer Infantry, \$36.

Austin J. Marsh, late of Company E, Thirty-eighth Regiment, and Company K, Thirty-fourth Regiment, Iowa Volunteer Infantry, \$24.

Hiram N. Brann, late of Company D, Twenty-first Regiment Maine Volunteer Infantry, \$30.

Eugene Sullivan, late of Company D, First Battalion, Seventeenth Regiment United States Infantry, \$24.

Tilman H. Elrod, late of Company I, Thirteenth Regiment Iowa Volunteer Infantry, \$30.

Morris Johnson, late of Company C, Thirty-fourth Regiment Illinois Volunteer Infantry, \$24.

Robert Martin, late of Company I, Ninety-ninth Regiment, and Company K, Fiftieth Regiment, Ohio Volunteer Infantry, \$30.

William H. Tillson, late of Company E, Eighty-fourth Regiment Illinois Volunteer Infantry, \$24.

Susan Berfield, widow of Montgomery Berfield, late of Company H, Ninth Regiment Minnesota Volunteer Infantry, and former widow of Sylvanus Wakefield, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, \$20.

Sarah E. Cunningham, widow of Adam A. Cunningham, late of Company G, One hundred and thirty-second Regiment Indiana Volunteer Infantry, \$24, and \$2 per month additional on account of the minor child of said Adam A. Cunningham until he reaches the age of 16 years: *Provided*, That in the event of the death of Bertha Cunningham, helpless and dependent child of Adam A. Cunningham, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah E. Cunningham, the name of Bertha Cunningham be placed on the pension roll at \$12.

Abijah S. Cheers, late of Company K, First Regiment Ohio Volunteer Cavalry, \$30.

William H. Peek, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, \$24.

Jameson S. Tweed, late of Company M, First Regiment Tennessee Volunteer Cavalry, \$24.

William Gurin, late of Company F, One hundred and sixty-first Regiment New York Volunteer Infantry, and Company E, First Regiment Louisiana Volunteer Cavalry, \$30.

Sarah E. Cloud, widow of Ellis A. Cloud, late of Company G, Fifth Regiment Delaware Volunteer Infantry, \$12.

William W. Gordon, late of Company H, Nineteenth Regiment Wisconsin Volunteer Infantry, \$30.

Don Carlos Cameron, late of First Battery Wisconsin Volunteer Light Artillery, \$36.

Anna M. Robinson, widow of Elisha J. Robinson, late of Company F, Twenty-seventh Regiment Wisconsin Volunteer Infantry, \$20.

John A. George, late of Company H, Third Regiment Wisconsin Volunteer Infantry, \$50.

Emmanuel Mennet, late captain Company D, Fifty-ninth Regiment Illinois Volunteer Infantry, \$40.

John L. Perkins, late of Company D, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, \$30.

Orlando B. Douglas, late of Company C and second lieutenant Company K, Eighteenth Regiment Missouri Volunteer Infantry, \$30.

George W. Dimond, late of Company H, Second Regiment United States Volunteer Sharpshooters, \$30.

Adam C. Pattee, late of Company A, Fourteenth Regiment Iowa Volunteer Infantry, and Company K, Seventh Regiment Iowa Volunteer Cavalry, \$24.

James H. Morris, late of Company L, Eighth Regiment Iowa Volunteer Cavalry, \$30.

James G. Doran, late of Company A, Forty-sixth Regiment Missouri Volunteer Infantry, \$36.

Reuben Bellows, late of Company D, One hundred and twentieth Regiment New York Volunteer Infantry, \$30.

Elizabeth C. Jarrett, widow of B. Frank Jarrett, late of Company K, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, \$20.

David A. Buchanan, late of Company B, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, \$24.

Hiram S. Plummer, late assistant surgeon, One hundred and tenth Regiment, and surgeon, One hundred and fifty-second Regiment, Illinois Volunteer Infantry, \$36.

Andrew McFarland, late of U. S. S. *Grampus*, *Great Western*, and *Choctaw*, United States Navy, \$30.

John A. Boulger, late of U. S. S. *North Carolina*, *New Hampshire*, and *Nahant*, United States Navy, \$24.

Martin V. B. Knox, late captain Company E, Twenty-third Regiment United States Colored Volunteer Infantry, \$50.

Diana Christy, widow of George B. Christy, late surgeon, Ninth Regiment Illinois Volunteer Cavalry, \$25.

Henry V. Leach, late of Company H, Third Regiment New York Volunteer Light Artillery, \$30.

Augustus G. Winslow, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, \$20.

Henry Bucholz, late of Company C, Fifth Regiment Missouri State Militia Cavalry, \$30.

Marsena R. Clark, late of Company M, Second Regiment Missouri State Militia Cavalry, and Company L, Thirteenth Regiment Missouri Volunteer Cavalry, \$30.

Gustavus H. Mann, late of Company D, Seventy-fourth Regiment New York Volunteer Infantry, \$30.

Gilman A. Whitman, late of Company D, Twenty-third Regiment Maine Volunteer Infantry, \$24.

George A. Coverdale, late of Company C, First Regiment Delaware Volunteer Cavalry, \$24.

Benjamin B. D. Derickson, late of Company H, Ninth Regiment Delaware Volunteer Infantry, \$24.

Lewis Childs, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, \$30.

Charles Young, late of Company A, Thirteenth Regiment New York Volunteer Infantry, \$30.

John H. Mullison, late of Company B, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and Company H, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, \$36.

Emma E. Keyes, widow of William T. Keyes, late of Company C, Tenth Regiment, and Company D, Twenty-ninth Regiment, Maine Volunteer Infantry, \$12.

Mr. McCUMBER. On page 9, I move to strike out all of lines 11 to 14, inclusive—the case of Jennie West.

The amendment was agreed to.

Mr. McCUMBER. I ask that in this case the papers be committed to the Senate committee.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCUMBER. I also move to strike out all of lines 11 to 14, inclusive, on page 13—the case of Amon H. Johnson—the beneficiary having died since the bill was reported.

The amendment was agreed to.

Mr. McCUMBER. On page 16, line 1, I move to strike out the word "twenty-four" and insert in lieu thereof the word "thirty." Later evidence filed with the committee shows that

the soldier's condition has become much worse since the bill was introduced and justifies the increase.

The amendment was agreed to.

Mr. McCUMBER. On page 25, I move to strike out all of lines 11 to 14—the case of Emma E. Keyes; and I ask that the papers in the case be recommitted to the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. Without objection, the papers will be recommitted to the Committee on Pensions.

Mr. SMITH of Georgia. I desire to offer an amendment to be inserted at the end of the bill.

The PRESIDENT pro tempore. If the Senator from Georgia will send his amendment to the desk it will be stated.

The SECRETARY. At the end of the bill insert the following proviso:

Provided, That no one of the said pensions shall be paid until the examination has been made in the Pension Bureau and it has been found that said party has actually served in the Army or the Navy and was engaged in some battle in connection with said service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia.

Mr. SMITH of Georgia. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRYAN (when Mr. FLETCHER's name was called). My colleague is unavoidably detained from the Senate.

Mr. JONES (when Mr. POINDEXTER's name was called). I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on account of the death of his mother. I shall allow this announcement to stand for the rest of the day.

The following Senators answered to their names:

Bacon	Culberson	Lodge	Root
Bourne	Cullom	McCumber	Simmons
Brandegee	Cummins	Martin, Va.	Smith, Ga.
Briggs	Curtis	Martine, N. J.	Smith, Mich.
Bristow	Dillingham	Myers	Smoot
Brown	du Pont	Nixon	Sutherland
Bryan	Foster	O'Gorman	Swanson
Burnham	Gallinger	Oliver	Taylor
Burton	Gardner	Overman	Thornton
Chamberlain	Guggenheim	Page	Townsend
Chilton	Hitchcock	Percy	Warren
Clapp	Johnston, Ala.	Perkins	Watson
Clark, Wyo.	Jones	Pomerene	Williams
Clarke, Ark.	Kern	Rayner	Works
Crane	Lea	Reed	

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the Senator from Georgia.

Mr. McCUMBER. On that I ask for the yeas and nays.

Mr. OVERMAN. Let the amendment be reported.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. At the end of the bill add the following:

Provided, That no one of the said pensions shall be paid until the examination has been made in the Pension Bureau and it has been found that said party has actually served in the Army or the Navy and was engaged in some battle in connection with said service.

Mr. SMITH of Georgia. I wish to add what I send to the desk.

The Secretary read the amendment as follows:

Provided, That no one of the said special pensions contained in this bill shall be paid to any one of the parties herein named until the Pension Bureau has made investigation and found the said party to whom the same is to be paid did not enter the service in consideration of a bounty or for a payment made to him to serve as a substitute; and

Provided, That no one of the said pensions shall be paid until the examination has been made in the Pension Bureau and it has been found that said party has actually served in the Army or the Navy and was engaged in some battle in connection with said service.

The PRESIDENT pro tempore. Does the Senator from Georgia offer this amendment in connection with the other, or separately?

Mr. SMITH of Georgia. Together.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Georgia.

Mr. McCUMBER. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CULBERSON. I should like to inquire whether each amendment is distinct in itself—I was not completely able to hear them when they were read—and therefore divisible.

The PRESIDENT pro tempore. They are undoubtedly divisible, but the Chair asked the Senator from Georgia whether they should be taken together as one amendment, and he replied in the affirmative. Of course, upon the demand of any Senator they may be considered separately.

Mr. CULBERSON. If the Senator from Georgia has no particular reason why they should be considered together, I should like to have them considered separately.

The PRESIDENT pro tempore. The Secretary will read the first amendment.

The Secretary read as follows:

Provided, however, That no one of the said special pensions contained in this bill shall be paid to any one of the parties herein named until the Pension Bureau has made investigation and found the said party to whom the same is to be paid did not enter the service in consideration of a bounty or for a payment made to him to serve as a substitute; and

Mr. McCUMBER. On that I ask for the yeas and nays.

Mr. THORNTON. I should like to ask the Senator from Georgia whether the record shows that the party in this case actually was in the service of the United States?

Mr. McCUMBER. The records do not show either affirmatively or negatively upon the question whether he came in under a bounty or what consideration impelled him to join the ranks of the Union.

The PRESIDENT pro tempore. The question is on agreeing to the first amendment proposed by the Senator from Georgia, on which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. CULBERSON. Before the roll is called, I will ask the Senator from North Dakota an additional question to that suggested by the Senator from Louisiana, and that is whether the records of the Pension Office answer the inquiry which is contained in this amendment?

Mr. McCUMBER. I do not think the records of the Pension Office would show that.

The PRESIDENT pro tempore. The Secretary will proceed with the call of the roll.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the Senator from Maryland [Mr. SMITH]. If he were present, I would vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the junior Senator from North Dakota [Mr. GRONNA], and vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNETT]. He is not in the Chamber, so I withhold my vote.

Mr. GARDNER (when the name of Mr. JOHNSON of Maine was called). My colleague [Mr. JOHNSON] is necessarily absent from the Senate on official business. Were he present, he would vote "nay" on this amendment.

Mr. WILLIAMS (when his name was called). I wish to announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE].

The roll call was concluded.

Mr. LEA (after having voted in the negative). Has the junior Senator from Rhode Island [Mr. LIPPITT] voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. LEA. I have a general pair with the junior Senator from Rhode Island [Mr. LIPPITT]. Therefore I withdraw my vote. Were he present, I should vote "nay."

Mr. DILLINGHAM (after having voted in the affirmative). I did not observe when I voted that the senior Senator from South Carolina [Mr. TILLMAN] was not in the Chamber. I therefore withdraw my vote, having a general pair with that Senator.

Mr. JOHNSTON of Alabama (after having voted in the negative.) I was absent from the Senate on committee service when the vote was begun. I wish to know whether the question is on both provisos.

The PRESIDENT pro tempore. Only on the first one.

Mr. JOHNSTON of Alabama. I will change my vote from "nay" to "yea."

Mr. CRAWFORD. I wish to announce that my colleague [Mr. GAMBLE] is necessarily absent. He has a standing pair with the junior Senator from Arkansas [Mr. DAVIS]. If my colleague were present, he would vote "nay."

Mr. JONES. I have already announced the absence of my colleague [Mr. POINDEXTER]. If he were present, he would vote "nay" on this amendment.

Mr. CUMMINS. My colleague [Mr. KENYON] is necessarily absent. If he were present, he would vote, upon this question, "nay."

Mr. BORAH. My colleague [Mr. HEYBURN] is absent on account of illness. If he were present, he would vote "nay."

Mr. McCUMBER. I desire to state that my colleague [Mr. GRONNA] is absent. Were he present, he would vote "nay."

Mr. BORAH. I desire to add also that my colleague [Mr. HEYBURN] is paired with the Senator from Alabama [Mr. BANKHEAD].

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent to-day. He is paired with the Senator from Mississippi [Mr. WILLIAMS]. If my colleague were present, he would vote "day."

The result was announced—yeas 12, nays 47, as follows:

YEAS—12.

Bacon	Culberson	Martin, Va.	Simmons
Bryan	Gore	Overman	Smith, Ga.
Clarke, Ark.	Johnston, Ala.	Percy	Swanson

NAYS—47.

Borah	Crane	Lodge	Shively
Bourne	Crawford	McCumber	Smith, Mich.
Bradley	Cullom	McLean	Smoot
Brandeggee	Cummins	Martine, N. J.	Sutherland
Briggs	Curtis	Myers	Taylor
Bristow	du Pont	Nelson	Thornton
Brown	Foster	Nixon	Townsend
Burton	Gallinger	O'Gorman	Warren
Chamberlain	Gardner	Oliver	Watson
Chilton	Hitchcock	Page	Wetmore
Clapp	Jones	Perkins	Works
Clark, Wyo.	Kern	Pomerene	

NOT VOTING—32.

Bailey	Gronna	Lorimer	Richardson
Bankhead	Guggenheim	Newlands	Root
Burnham	Heyburn	Owen	Smith, Md.
Davis	Johnson, Me.	Paynter	Smith S. C.
Dillingham	Kenyon	Penrose	Stephenson
Dixon	La Follette	Poindexter	Stone
Fletcher	Lea	Rayner	Tillman
Gamble	Lippitt	Reed	Williams

So the amendment of Mr. SMITH of Georgia was rejected.

The PRESIDENT pro tempore. The question now is upon the second proviso offered by the Senator from Georgia.

Mr. SMITH of Georgia. I withdraw the second portion of the amendment, with the consent of the Senate, and I wish to offer another amendment.

The PRESIDENT pro tempore. Without objection, the amendment will be considered as withdrawn, and the amendment now sent to the desk will be read.

The SECRETARY. It is proposed to add, at the end of the bill, the following proviso:

Provided, That after the passage of this bill it shall be the duty of the Pension Bureau to investigate the record of each party named therein, and if it is found from the records of the Army or Navy that any party therein named failed to have an honorable discharge then the name of such party shall thereafter be stricken and he shall no longer receive any benefit from said bill.

Mr. McCUMBER. I do not know whether the Senator is aware of the fact that no names could be placed upon the pension roll at all unless the soldiers had had an honorable discharge. That is the existing law. The bill applies only to those who have had an honorable discharge.

Mr. SMITH of Georgia. But I could not tell, Mr. President, from looking at the bill whether it was not the purpose of the bill in some instances to remove disabilities and to give pensions to men who did not have honorable discharges.

Mr. McCUMBER. No; in any case where there is a question about the party having been honorably discharged it goes to the Committee on Military Affairs, and not to the Committee on Pensions, and the ex-soldier could not be placed upon the pension roll unless he had received an honorable discharge. If the Senator will look at the first clause of the bill he will see that it reads:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

One of the provisions and limitations of the pension laws is that the claimant must have an honorable discharge.

Mr. SMITH of Georgia. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield for a question?

Mr. McCUMBER. Certainly. I was through.

Mr. SMITH of Georgia. Then, in point of fact, there is not a man whose name is on this list who is having in any way the defect of an honorable discharge cured, but everyone on this list has received an honorable discharge.

Mr. McCUMBER. Everyone on this list must have received an honorable discharge.

Mr. SMITH of Georgia. Then, Mr. President, I will not insist upon the amendment. It is because I did not know the fact, and I was struck with the size of some of the pensions, that I wanted to raise the question. I withdraw the proposed amendment.

The PRESIDENT pro tempore. The amendment is withdrawn. The bill is still as in Committee of the Whole and open to amendment.

Mr. McCUMBER. Since we have been discussing this matter I have received notice of another death of one of the claimants, which compels me to ask for a further amendment. I therefore

move to amend, on page 14, by striking out all of lines 20, 21, 22, and 23, the case of Samuel Beatty.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. Strike out lines 20 to 23, inclusive, on page 14, in the following words:

The name of Samuel Beatty, late first lieutenant Company I, Third Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. BRYAN. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Amend, by striking out lines 20, 21, 22, and 23, on page 5, the following words:

The name of Francis M. Cox, late of Company B, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Florida.

Mr. BRYAN. I ask the Secretary to read what appears in the report in this case, found on page 12 of Report No. 205.

The PRESIDENT pro tempore. The Secretary will read the part indicated by the Senator from Florida.

The Secretary read as follows:

S. 562. Francis M. Cox, of Orting, Wash., served as a private in Company B, Forty-fourth Regiment Indiana Volunteer Infantry, from February 4, 1865, to September 14, 1865, and was honorably discharged. He is a pensioner at \$20 per month under the service act of February 6, 1907. He never filed a claim under the general law, but formerly drew \$12 per month under the act of June 27, 1890, granted him on account of total inability to earn a support by manual labor. The testimony shows that claimant is about 80 years of age, and that he is broken down from piles, hernia, and general and senile debility, and is wholly unable to earn a living by manual labor. It further appears that he is without property or means and is entirely dependent upon his pension for support. On account of his age, poverty, and total disability your committee recommend increase of pension to \$24 per month; his service was little more than seven months and no greater increase is warranted.

Mr. BRYAN. Mr. President, that, as stated in the report, is an enlistment which covered a period of a little more than seven months. Yet, including the three days of the bloody battle we learned of on Saturday, the great Battle of Appomattox, he could not have served 90 days in actual warfare. He was not injured by reason of his service. He, too, has drawn about \$3,400 of pension for the 64 days of service. He, too, has taken a place above all others of his age who had service ranging from one to four years in the Civil War.

I do not intend to delay the action of the Senate further than to call attention to this case, so that it may be understood by Senators as they vote for an omnibus bill, and it may be understood by the country at large just exactly what Congress is doing with reference to special pension legislation.

On Saturday the distinguished Senator from Indiana [Mr. SHIVELY] chided me for picking out from the list of names one name, and he asked me the question whether I considered that typical of the cases being provided for by special pension legislation. I did not have a fair opportunity to answer his question before I was asked another question.

I do not claim, Mr. President, that the case of Mr. Angel is typical; I do not claim that this case is typical; but I do claim that there are a number included in the omnibus bill Saturday and in this omnibus bill to-day of service during the actual continuation of the war of from 40 to 50 or 60 days.

Without taking up the time of the Senate to offer another amendment, I shall use the amendment I intended to offer after this one is voted down, for the purpose of illustrating that there are other cases here.

On page 6 of the bill and on page 13 of the report of the committee it is shown that Mr. Alonzo L. Baker enlisted February 14, 1865, and that he was honorably discharged September 20, 1865; that he, too, has drawn about \$3,400; that he was not injured by reason of his service to his country; that he is only 65 years of age; yet that he, nevertheless, also is to be singled out and made an exception of and made the beneficiary of special pension legislation.

Mr. President, a few moments ago a request was made by the chairman of the committee for the yeas and nays to determine whether or not we would undertake to eliminate from the pension roll the bounty jumper. The Senate by an overwhelming vote decided it would not do so. On Saturday I asked for the yeas and nays so as to determine whether or not the name of a soldier of 46 days' service should be stricken from the bill, and I could not get enough hands raised to accomplish that purpose. If Senators believe that it is right and proper to retain the name that I have moved to strike from this list, if they believe that man ought to be elevated above the rank and file of

soldiers generally, it does seem to me that at least Senators ought not to object to having themselves so recorded in the CONGRESSIONAL RECORD. Therefore on this vote I ask for the yeas and nays.

Mr. SMITH of Michigan. Mr. President, a great deal has been said by the Senator from Florida about the war being over before these later enlistments took place in 1865. Without any intention whatever of reviving unpleasant memories, in fact, in a spirit of admiration and of the highest appreciation for their gallantry and valor, and praise for the men of the South who fought in the rebellion, I say that it was very difficult to convince them they had been whipped, although they made little permanent headway against the North and gave way only after the most stubborn resistance. I am going to read, in reply to these statements of southern Senators, the actual condition of affairs as viewed by the commander in chief of the Confederate Army more than two months after the enlistment of the men whose records are being called in question to-day.

I read an address delivered by Jefferson Davis in Danville, Va., on April 4, 1865:

DANVILLE, VA., April 4, 1865.

To the people of the Confederate States of America:

The general in chief of our army has found it necessary to make such movements of the troops as to uncover the capital and thus involve the withdrawal of the government from the city of Richmond.

It would be unwise, even were it possible, to conceal the great moral as well as material injury to our cause that must result from the occupation of Richmond by the enemy. It is equally unwise and unworthy of us, as patriots engaged in a most sacred cause, to allow our energies to falter, our spirits to grow faint, or our efforts to become relaxed under reverses however calamitous. While it has been to us a source of national pride that for four years of unequalled warfare we have been able, in close proximity to the center of the enemy's power, to maintain the seat of our chosen government free from the pollution of his presence; while the memories of the heroic dead who have freely given their lives to its defense must ever remain enshrined in our hearts; while the preservation of the capital, which is usually regarded as the evidence to mankind of separate national existence, was an object very dear to us, it is also true, and should not be forgotten, that the loss which we have suffered is not without compensation. For many months the largest and finest army of the Confederacy, under the command of a leader whose presence inspires equal confidence in the troops and the people, has been greatly trammelled by the necessity of keeping constant watch over the approaches to the capital, and has thus been forced to forego more than one opportunity for promising enterprise. The hopes and confidence of the enemy have been constantly excited by the belief that their possession of Richmond would be the signal for our submission to their rule, and relieve them from the burden of war, as their falling resources admonish them it must be abandoned if not speedily brought to a successful close. It is for us, my countrymen, to show by our bearing under reverses how wretched has been the self-deception of those who have believed us less able to endure misfortune with fortitude than to encounter danger with courage. We have now entered upon a new phase of a struggle, the memory of which is to endure for all ages and to shed an increasing luster upon our country.

Relieved from the necessity of guarding cities and particular points, important but not vital to our defense, with an army free to move from point to point and strike in detail the detachments and garrisons of the enemy operating on the interior of our own country, where supplies are more accessible, and where the foe will be far removed from his own base and cut off from all succor in case of reverse, nothing is now needed to render our triumph certain but the exhibition of our own unquenchable resolve. Let us but will it, and we are free; and who, in the light of the past, dare doubt your purpose in the future?

Animated by the confidence in your spirit and fortitude, which never yet have failed me, I announce to you, fellow countrymen, that it is my purpose to maintain your cause with my whole heart and soul; that I will never consent to abandon to the enemy one foot of the soil of any one of the States of the Confederacy; that Virginia, noble State, whose ancient renown has been eclipsed by her still more glorious recent history, whose bosom has been bared to receive the main shock of this war, whose sons and daughters have exhibited heroism so sublime as to render her illustrious in all times to come—that Virginia, with the help of her people and by the blessing of Providence, shall be held and defended, and no peace ever be made with the infamous invaders of her homes by the sacrifice of any of her rights or territory. If by stress of numbers we should ever be compelled to a temporary withdrawal from her limits, or those of any other border State, again and again will we return, until the baffled and exhausted enemy shall abandon in despair his endless and impossible task of making slaves of a people resolved to be free.

Let us not, then, despond, my countrymen; but, relying on the never-failing mercies and protecting care of our God, let us meet the foe with fresh defiance, with unconquered and unconquerable hearts.

JEFF'N DAVIS.

Mr. President, I find no fault whatever with his optimism, although I have always felt free to criticize the patriotism of the distinguished president of the Confederacy. He was misled, undoubtedly, and had hopes that were not justified; but the war was not over when Jefferson Davis made that address to the southern people, who were dismayed but ever dauntless to the very hour of fate and went to final defeat with colors flying and the smoke of battle still heavy on the field; and it is perfectly puerile for anyone to stand in this Chamber and contend that Gen. Grant before Petersburg and Sheridan in the Shenandoah Valley and Custer at Waynesboro, annihilating Early's entire army in March, 1865, were not engaged in a titanic and royal battle for freedom against a worthy foe, but were often doubtful of victory. Gen. Custer issued an address

to his command at Appomattox Court House, April 9, 1865, in which he said to his faithful comrades:

Within the past 10 days * * * you have captured 46 pieces of field artillery and 37 battle flags. You have never lost a gun, never lost a color, and have never been defeated.

Mr. President, Southern soldiers did not part with battle flags without a fight; these glorious emblems of their prowess, often tattered and torn and faded, still lured the living soldiers of Lee to battle for disunion even when the maddening current of disaster ran strongly against them; and I have heard it said of the Confederate soldiers that death was at all times preferable to defeat. Sirs, you do them little honor when you say that there was no fierce resistance after the fall of Richmond.

The Battle of Dinwiddie Courthouse, Five Forks, and Sallors Creek on April 6, where 6,000 Confederate soldiers were captured on the way to Appomattox Station, and the capture of the supply trains intended for Lee's army on the Lynchburg Pike by Gen. Custer, cutting off a possible retreat to Lynchburg, hastened events at Appomattox and brought great credit to the Union arms.

I referred on Saturday to Gen. Custer, a Michigan soldier, and his Cavalry brigade, and that his unquenchable valor and his undying heroism may always bloom in the parliamentary annals of this day, I propose to read a letter written by Gen. Sheridan to Mrs. Custer the day following the surrender of the army of Lee to the army of Grant:

APPOMATTOX COURTHOUSE,
April 10, 1865.

MY DEAR MADAM: I respectfully present to you the small writing table on which the conditions for the surrender of the Confederate Army of northern Virginia were written by Lieut. Gen. Grant; and permit me to say, Madam, that there is scarcely an individual in our service who has contributed more to bring about this desirable result than your very gallant husband.

Very respectfully,

PHIL. H. SHERIDAN.

Mrs. GEN. CUSTER,
Washington, D. C.

Mr. President, I know, of course, that no Senator on either side would question the gallantry of Custer. I know that no Senator on either side would withhold the just meed of honest praise that is due to the defenders of the Union, no matter whence they came or how long they served. Their services might have been gallant and heroic, even though they enlisted in the very last days of the war. These latter day enlistments were in obedience to the call of President Lincoln. One of the soldiers who has been referred to as having served but 47 days went immediately after Appomattox with his Cavalry comrades into the West, where they served in the Indian wars.

It is far from my purpose to enkindle any unpleasant thoughts in the heart or mind of any Senator on either side of the Chamber, and yet I remind the Senator from Georgia and the Senator from Florida that it is not enough to say that because a man enlisted in the last days of the war he did not render gallant and conspicuous service, even though the records may not show that he was wounded in battle.

Mr. BRYAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Florida?

Mr. SMITH of Michigan. Certainly.

Mr. BRYAN. Does the Senator from Michigan believe that it is equitable to take men who enlisted in February of 1865 and elevate them by special legislation above those who served for one, two, three, and four years in the Civil War?

Mr. SMITH of Michigan. Mr. President, I think that is a very fair inquiry, and I will say to the Senator from Florida, in reply, that I would much prefer to see it done in some other and more general way that would give all the needy soldiers of the Union what is their honest due from the Government. Now, the Senator from Florida having asked me a question and having been answered, I will ask him—

Mr. BRYAN. Mr. President, I submit I have had no answer yet. I asked the Senator from Michigan if he thought it was fair to do that, and he has not answered the question.

Mr. SMITH of Michigan. The Senator said "equitable."

Mr. BRYAN. Well, equitable and just.

Mr. SMITH of Michigan. I consider that anything that is done for a soldier is equitable if it tends to relieve his necessities and lighten the burdens of life.

Mr. BRYAN. The Senator thinks, then, it is just to the other soldiers who, for some reason or for no reason at all, do not have special legislation for their benefit, although they may have served during the whole war, to leave them as the general law leaves them, and take these 90-day militia—

Mr. SMITH of Michigan. Oh, 90-day—

Mr. BRYAN. Well, that is this case, and it is the only case to which I have referred—and elevate them above the great body of the veterans of the Union Army?

Mr. SMITH of Michigan. Mr. President, I would prefer just and generous general laws; but we have found it impossible to get such legislation for them all. I ask the Senator from Florida if we would vote down these special bills would the Senator from Florida join me in the passage of a general pension law calculated to give these veterans their honest due, such a bill, for instance, as has recently passed the House of Representatives and is now pending in the Senate?

Mr. BRYAN. Does the Senator desire me to answer that question?

Mr. SMITH of Michigan. I do.

Mr. BRYAN. Mr. President, I have talked so much about pension legislation that I supposed anyone who desired to know my views, if they are worth considering, knew the position I have taken. I say to the Senator from Michigan that I will go as far as he will to vote pensions based upon meritorious service in the Civil War and upon need. I will vote for any pension bill that includes those two items, but, in my judgment, it is not proper legislation to vote pensions to those who do not need them. Nor is it proper to vote pensions to those who enlisted but rendered no service and suffered no injury because of their patriotism.

Mr. SMITH of Michigan. Mr. President, does the Senator from Florida indicate by his position that he would not vote to pension a soldier in the Union Army who was not wounded in action?

Mr. BRYAN. I did not say that, Mr. President.

Mr. SMITH of Michigan. The Senator says "meritorious." I should like to know what he means by "meritorious." How does he distinguish between men who composed the Army of the Union?

Mr. BRYAN. I said, Mr. President, some time ago that I believed meritorious service and need should coexist as prerequisite to a pension, but because of the fact that there were those now receiving aid of the Government who could ill afford to have that aid taken away, I would vote to pension those who suffered no injury provided they were in need of pension.

Mr. SMITH of Michigan. What should be their necessity—poverty?

Mr. BRYAN. Yes, sir.

Mr. SMITH of Michigan. Old age?

Mr. BRYAN. Does the Senator from Michigan—

Mr. SMITH of Michigan. If the Senator will permit me, I have the floor. Would poverty and old age be reasons for voting pensions to soldiers of the Union Army?

Mr. BRYAN. I think so; undoubtedly.

Mr. SMITH of Michigan. Would physical ailments, not perhaps the result of wounds, but exposure, be one of the reasons?

Mr. BRYAN. Unless due to the service; no.

Mr. SMITH of Michigan. They would not be?

Mr. BRYAN. They would not be. Simply for the reason that a man enlisted, although he rendered no actual service and can not trace any injury to the war, I would not vote to give him a pension or vote for a general bill giving him one.

Mr. SMITH of Michigan. No one else proposes to give him a pension if he did no service, but a man may have been a most efficient soldier and not have been wounded in battle. He may have been a most efficient soldier without having a hospital record. He may have been a most gallant soldier and not have suffered greatly at the time, and yet be unable because of that service to withstand its effect upon his declining years. There are hundreds and thousands of men who followed Lee, as there are those who followed Grant, who were not wounded, but the fact that they encountered the long marches, that they may have suffered in Army prisons, that they may have been called upon to brave storms and trials, entitles them to the generous consideration of the Government they helped to save.

Mr. BRYAN. Does the Senator from Michigan agree or does he not agree with a former Congressman from Michigan—I believe he was from Michigan, the Senator's State—and who has been past grand commander of the Grand Army of the Republic, in a statement—

Mr. SMITH of Michigan. I recollect what the Senator said on Saturday.

Mr. BRYAN. That over 600,000 of the latter-day enlisted men never saw service, and that it is unfair to put them on an equality with the veterans of the Army?

Mr. SMITH of Michigan. Even though they were exposed to the rain and the sleet and the snow that were incidental to their long marches and took upon themselves all the burdens and discomforts of war?

Mr. BRYAN. But received no injury from it.

Mr. SMITH of Michigan. Oh, Mr. President, many a volunteer soldier has gone to a premature grave by reason of the long marches and the suffering he endured in the South; and it will not do to say, because he happened to escape the vigilance and skill of the sharpshooter and was not picked off by a southern bullet, that he rendered no service of distinction to his country.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from North Dakota?

Mr. SMITH of Michigan. I do.

Mr. McCUMBER. Mr. President, the war closed nearly 47 years ago. It has taken us, therefore, nearly 47 years to learn that the basis of our pension system has been wrong in every respect. All of our pension legislation, based upon service, has recognized the standard of 90 days' service to entitle the soldier to the consideration of his country. Up until the present time we have not changed that law. A man who served 90 days has during all these years received exactly as much for a given condition as the man who served during the entire war.

Mr. President, there must have been something in that basis of pension that appealed either to the American people or to the soldiers who are interested, or it would have been modified and disposed of very many years ago.

Mr. BRYAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I yield.

Mr. BRYAN. Does the Senator from North Dakota claim that prior to the act of June 27, 1890, there were any pensions paid to those who could not trace injury to their service in the war?

Mr. McCUMBER. I mean to say that since the war closed a given condition has always been the basis of the pension granted—the condition of the soldier—that service or length of service was never taken into consideration—

Mr. BRYAN. But injury was.

Mr. McCUMBER. And that since June 27, 1890, when we passed the pension bill of that date, up until the present time, there has been no demand that we should recognize a different standard than the standard of 90 days' service.

Mr. BRYAN. Prior to 1890 the beneficiary had to trace his injury to the service before he could be eligible to receive a pension?

Mr. McCUMBER. Up until 1890.

Mr. BRYAN. Then it has not been 47 years.

Mr. McCUMBER. But if prior to 1890 a man lost an arm, he would receive the same pension, whether he served one day or whether he served during the entire war.

Mr. BRYAN. Certainly; if he was injured.

Mr. McCUMBER. Congress has made no distinction because of the service origin for which the pension was given, nor has it recognized anything but 90-day service as the standard for the granting of a service pension.

I wish to close this discussion before 4 o'clock, if I can. The Senator has criticized this particular bill. Now, let us see what there is in the bill. The Senator evidently not only disagrees with the Bureau of Pensions as to when the war closed, but he disagrees with the law as to when the war closed. He disagrees with the President of the Confederacy as to when the war closed, and he disagrees with my friend, the Senator from Michigan, as to when the war closed, and with all those authorities against him, especially the authoritative statement of the President of the Confederacy and the law of the land, the Senator ought to admit that the war did not close April 9, 1865.

Mr. BRYAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. Certainly.

Mr. BRYAN. I think after the Senator has made that statement he ought to allow me to suggest to him that on Saturday I stated that I conceded that the war was officially declared closed on August 20, 1866, but that, as I had understood, until the Senator from Michigan established his reputation as a historian, and that of the great three days' battle at Appomattox, the war closed on April 9, 1865. I would not question the accuracy of historians. But I would rather question the accuracy of the historian than to have removed from my mind the vivid description of the great battle of Appomattox of three days' standing. So I think it is hardly fair for the Senator from North Dakota to suggest that I have tried to make it appear that the war technically closed prior to August, 1866. I know it did not; and I am of the opinion that those soldiers who served after the real

fighting was over assume more the attitude of technical soldiers than of real veterans of a great war.

Mr. McCUMBER. At least we have the record of the Michigan cavalry in the CONGRESSIONAL RECORD and we have given a great deal of immortality to their history and we have done some good in the time we have taken up. But I do not want to spend any more time upon that battle. At least it is all over now, and I am ready now to get right back to this case of which the Senator complains.

The Senator says the applicant served 47 days, I think, or something of that kind, and I notice that he is now drawing a pension of \$20 a month under the act of 1907. Under that act he could not draw a pension of that rate per month unless he had been held to have served 90 days. In looking over the brief record I have here I also observe that he obtained the highest pension—\$12 a month—under the 1890 law. That was some time ago. A considerable time ago he made his application under the law of 1890, and was receiving under that law the highest pension that could be granted, and that pension would not have been granted unless the department found he was wholly physically disabled.

Mr. BRYAN. Mr. President—

Mr. McCUMBER. Just a moment. He is a man 80 years of age, and evidently has not very many years to live. The report shows that he is broken down from piles, hernia, and general and senile debility, and is wholly unable to earn a living by manual labor, and it further appears that he is without property or means and is entirely dependent upon his pension for support. In view of his poverty and general disability the committee recommended an increase of \$4 per month. We recognize that the service was short. Had he served a year we certainly would have given him at least \$30 a month upon that physical showing.

Now, the Senator complains a good deal about our giving a man who served 90 or 60 days the same amount, under a private pension bill, that we give one who served the full four years.

Mr. BRYAN. No. That is hardly a fair statement.

Mr. McCUMBER. I decline to yield, Mr. President.

The PRESIDENT pro tempore. The Senator from North Dakota declines to yield.

Mr. McCUMBER. We have to have this claimant before us. We have to, as nearly as we can, look him in the face. We have to understand his physical condition, and if his physical condition is worse than that of one who has served one year or two years, then every impulse of humanity, coupled with the sense of national gratitude, demands that we shall give this old, helpless, veteran, who served no longer than four or five months, a greater amount than we would give to a younger one, who is still in his health, who served possibly for six months. This committee is a committee that acts on the equity side, and so long as we recognize a sentiment of generosity toward the old soldier, so long as we feel that we should recognize him and his service, that sentiment should be expressed in a manner to look first after destitution; and we can not do that under a general law. If we did that, and granted every man a pension exactly in accordance with his just deserts, measured one man with the other, there would be as many different standards as there are individuals upon the pension roll.

So I think we have done nothing amiss in granting this old man, 80 years of age, \$4 a month more for the balance of his life than he is receiving under the present law.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. BRYAN]. Upon that the Senator from Florida demands the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. Let the amendment be again stated.

The SECRETARY. On page 5, strike out lines 20 to 23, inclusive, relative to the pension of Francis M. Cox.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I announce my general pair with the senior Senator from South Carolina [Mr. TILLMAN] and withhold my vote.

Mr. LEA (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. LIPPITT]. As I do not know how he would vote on this question, I withhold my vote.

Mr. JONES (when Mr. POINDEXTER's name was called). I desire to announce that if my colleague [Mr. POINDEXTER] were present, he would vote "nay."

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present and I were at liberty to vote upon this particular amendment, I would vote "nay."

The roll call was concluded.

Mr. GUGGENHEIM. I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is not here. So I withhold my vote.

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent. If he were present, he would vote "nay."

Mr. CLARK of Wyoming. I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer my pair to the Senator from North Dakota [Mr. GRONNA] and vote "nay."

Mr. GARDNER. My colleague [Mr. JOHNSON of Maine] is necessarily absent from the Chamber. Were he present, he would vote "nay."

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not knowing how he would vote, I withhold my vote. If he were present, I would vote "nay."

Mr. CUMMINS. My colleague [Mr. KENYON] is absent. If he were here, he would vote "nay."

Mr. CRAWFORD. I desire to again state and have the statement stand for all future roll calls to-day that my colleague [Mr. GAMBLE] is necessarily absent and that he has a general pair with the junior Senator from Arkansas [Mr. DAVIS]. If my colleague were present, he would vote "nay" on this question.

The result was announced—yeas 4, nays 50, as follows:

YEAS—4.			
Bryan	Martin, Va.	Smith, Ga.	Swanson
NAYS—50.			
Borah	Culberson	McCumber	Shively
Bourne	Cullom	McLean	Smith, Mich.
Bradley	Cummins	Martine, N. J.	Smoot
Brandege	Curtis	Myers	Sutherland
Briggs	du Pont	Nelson	Taylor
Bristow	Foster	Nixon	Thornton
Brown	Gallinger	O'Gorman	Townsend
Burton	Gardner	Oliver	Warren
Chamberlain	Hitchcock	Overman	Watson
Chilton	Johnston, Ala.	Paga	Wetmore
Clark, Wyo.	Jones	Perkins	Works
Clarke, Ark.	Kern	Pomerene	
Crawford	Lodge	Root	
NOT VOTING—37.			
Bacon	Gamble	Lorimer	Simmons
Bailey	Gore	Newlands	Smith, Md.
Bankhead	Gronna	Owen	Smith, S. C.
Burnham	Guggenheim	Paynter	Stephenson
Clapp	Heyburn	Penrose	Stone
Crane	Johnson, Me.	Percy	Tillman
Davis	Kenyon	Poindexter	Williams
Dillingham	La Follette	Rayner	
Dixon	Lea	Reed	
Fletcher	Lippitt	Richardson	

So Mr. BRYAN's amendment was rejected.

SERVICE PENSIONS.

Mr. McCUMBER. I ask that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 1.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. The bill has not been read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The SECRETARY. The Committee on Pensions proposes to strike out all after the enacting clause and insert—

Mr. WILLIAMS. I should like to ask the Senator from North Dakota a question before the reading. What bill is this? Is this the so-called McCumber bill or is it the Sherwood bill?

Mr. McCUMBER. It is the Sherwood bill amended by a substitute, which was prepared by the committee.

Mr. WILLIAMS. It is generally known in the press as the McCumber bill, is it not?

Mr. McCUMBER. It seems to be known under several names.

Mr. OVERMAN. It is the Sherwood bill that is up, with this as an amendment.

Mr. McCUMBER. A substitute for the Sherwood bill.

Mr. OVERMAN. The Sherwood bill is up, and this is a substitute offered for it.

Mr. McCUMBER. Yes.

The PRESIDENT pro tempore. The Chair would state for the information of the Senate that it is a House bill which is

before the Senate with a substitute in the nature of an amendment proposed by the Committee on Pensions. Is it the desire of the Senate that the original bill shall be read or merely the substitute?

Mr. McCUMBER. I ask unanimous consent that the substitute, which is the amendment, be read.

Mr. CURTIS. I ask that the original bill be read, as well as the substitute.

The PRESIDENT pro tempore. The original bill will be read on the demand of the Senator from Kansas.

The Secretary read the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico, as follows:

That any person who served in the military or naval service of the United States during the late Civil War or the War with Mexico, and who has been honorably discharged therefrom, and all members of State organizations that are now pensionable under existing law, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed on the pension roll and be entitled to receive a pension as follows: For a service of 90 days or more in the Civil War, or 60 days or more in the War with Mexico, and less than 6 months, \$15 per month; for a service of 6 months or more and less than 9 months, \$20 per month; for a service of 9 months or more and less than 1 year, \$25 per month; for a service of 1 year or more \$30 per month: *Provided*, That any such person who served in the War with Mexico shall be paid the maximum pension under this act, to wit, \$30 per month.

SEC. 2. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor, through causes not due to his own vicious habits, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, \$30 per month, without regard to his length of service.

SEC. 3. That no person shall receive a pension under any other law at the same time or for the same period he is receiving a pension under the provisions of this act.

SEC. 4. That rank in the service shall not be considered in applications filed hereunder.

SEC. 5. That pensions under this act shall commence from the date of filing the application in the Bureau of Pensions after this act takes effect.

SEC. 6. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

The PRESIDENT pro tempore. The substitute in the nature of an amendment will be read.

The SECRETARY. The committee amendment proposes to strike out the words just read and to insert:

That the act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved February 6, 1907, be, and the same is hereby, amended to read as follows:

SECTION 1. That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years and served 90 days, \$13 per month; 6 months, \$13.50 per month; 1 year, \$14 per month; 1½ years, \$14.50 per month; 2 years, \$15 per month; 2½ years, \$15.50 per month; 3 years or over, \$16 per month. In case such person has reached the age of 66 years and served 90 days, \$15 per month; 6 months, \$15.50 per month; 1 year, \$16 per month; 1½ years, \$16.50 per month; 2 years, \$17 per month; 2½ years, \$17.50 per month; 3 years or over, \$18 per month. In case such person has reached the age of 70 years and served 90 days, \$18 per month; 6 months, \$19 per month; 1 year, \$20 per month; 1½ years, \$21 per month; 2 years, \$22 per month; 2½ years, \$23 per month; 3 years or over, \$24 per month. In case such person has reached the age of 75 years and served 90 days, \$21 per month; 6 months, \$22.50 per month; 1 year, \$24 per month; 1½ years, \$25.50; 2 years, \$27 per month; 2½ years, \$28.50 per month; 3 years or over, \$30 per month.

That any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom shall, upon making like proof of such service, be entitled to receive a pension of \$30 per month.

All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

SEC. 3. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than \$5, which sum shall be payable only after the allowance of the claim and upon the order of the Commissioner of Pensions out of the amount allowed and by the pension agent making payment of such pension; and no agent, attorney, or

other person shall demand or receive, directly or indirectly, any compensation in advance of such allowance, or other compensation than herein prescribed; and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, or shall wrongfully withhold any affidavits or other proofs in support of a claim, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court: *Provided*, That no greater fee than \$2 shall be allowed or paid in any claim for increase of pension under this act.

SEC. 4. That the Commissioner of Pensions shall make, at the time of submitting his next annual report, a separate report for each county of each State, Territory, or District, containing a statement or table which shall contain the names, lengths of service, monthly rates of payment, and residences of all pensioners of the United States; and shall thereafter, as said annual reports are submitted, make separate reports similar in all respects, except that such subsequent reports shall contain only those added to the pension roll during the fiscal year for which each annual report is made.

Mr. CULBERSON. Mr. President, I do not ask that the entire report be read, but I do think it ought to appear in the Record. Consequently I ask that the report of the committee, as well as the views of the minority, may be printed in the CONGRESSIONAL RECORD following the reading.

The PRESIDENT pro tempore. Is there objection?

Mr. McCUMBER. Just a moment, Mr. President. The Senator wants to have the views of the minority printed? Is that his request?

Mr. CULBERSON. I want to have the entire report printed, including, first, the report of the majority. In other words, I want Report No. 355 printed in the Record, which includes the majority and minority reports.

Mr. McCUMBER. I have no objection to that, Mr. President.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[Senate Report No. 355, Sixty-second Congress, second session.]

SERVICE PENSIONS FOR CERTAIN DEFINED SOLDIERS OF THE CIVIL WAR.

Mr. McCUMBER, from the Committee on Pensions, submitted the following report, to accompany H. R. 1:

The Committee on Pensions, to whom was referred the bill (H. R. 1) entitled "An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico," beg leave to report the same back with an amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. That any person who served 90 days or more in the military or naval service of the United States during the Civil War, who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years and served 90 days, \$13 per month; 6 months, \$13.50 per month; 1 year, \$14 per month; 1½ years, \$14.50 per month; 2 years, \$15 per month; 2½ years, \$15.50 per month; 3 years or over, \$16 per month. In case such person has reached the age of 66 years and served 90 days, \$15 per month; 6 months, \$15.50 per month; 1 year, \$16 per month; 1½ years, \$16.50 per month; 2 years, \$17 per month; 2½ years, \$17.50 per month; 3 years or over, \$18 per month. In case such person has reached the age of 70 years and served 90 days, \$18 per month; 6 months, \$19 per month; 1 year, \$20 per month; 1½ years, \$21 per month; 2 years, \$22 per month; 2½ years, \$23 per month; 3 years or over, \$24 per month. In case such person has reached the age of 75 years and served 90 days, \$21 per month; 6 months, \$22.50 per month; 1 year, \$24 per month; 1½ years, \$25.50 per month; 2 years, \$27 per month; 2½ years, \$28.50 per month; 3 years or over, \$30 per month.

That any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom shall, upon making like proof of such service, be entitled to receive a pension of \$30 per month.

All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over and who are now receiving pensions under existing laws or whose claims are pending in the Bureau of Pensions may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

SEC. 3. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than \$5, which sum shall be payable only after the allowance of the claim and upon the order of the Commissioner of Pensions, out of the amount allowed, and by the pension agent making payment of such pension, and no agent, attorney, or other person shall demand or receive, directly or indirectly, any compensation in advance of such allowance, or other compensation than herein prescribed; and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, or shall wrongfully withhold any affidavits or other proofs in support of a claim, shall be deemed guilty of a misdemeanor,

and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court: *Provided*, That no greater fee than \$2 shall be allowed or paid in any claim for increase of pension under this act.

Sec. 4. That the Commissioner of Pensions shall make at the time of submitting his next annual report a separate report for each county of each State, Territory, or District, containing a statement or table which shall contain the names, lengths of service, monthly rates of payment, and residences of all pensioners of the United States; and shall thereafter, as said annual reports are submitted, make separate reports similar in all respects, except that such subsequent reports shall contain only those added to the pension roll during the fiscal year for which each annual report is made."

In the amendment proposed by your committee is involved the prime purpose of our pension system. A word upon that system and its purpose may therefore be proper.

Prior to 1890 all pension legislation relative to the survivors of the Civil War recognized only specific disabilities incurred in line of duty.

By the act of June 27, 1890, the requirement that a disability should be of service origin was abandoned, and there was substituted in its stead incapacity to perform manual labor, whether such incapacity was due to service or otherwise. This act provided a pension for such disability ranging from \$6 to \$12 per month. It required but a service of 90 days and was the first purely service pension legislation applied to the Civil War veterans.

The establishing of grades of disability to perform manual labor under this law was difficult and unsatisfactory, and as the age of the claimant advanced the difficulty increased. It finally became necessary to measure the disability by the age test, and Executive Order No. 78 was issued in March of 1904. This order provided that in the adjudication of pension claims under the act of June 27, 1890, age should be taken into consideration in determining disability; that at the age of 62 the soldier should be considered to be one-half disabled for the performance of manual labor, at the age of 65 two-thirds disabled, at the age of 68 five-sixths disabled, and at the age of 70 totally disabled, and should receive for said disabilities \$6, \$8, \$10, and \$12 per month, respectively. This order was afterwards enacted into our pension legislation and was the forerunner of the age standard in subsequent legislation.

The act of June 27, 1890, also provided a pension of \$8 per month for all widows whose marriage had taken place prior to that date and (as amended by act of May 9, 1900) whose net income was not above \$250 per annum.

There was no material change in our general pension laws from June 27, 1890, until February 6, 1907, a period of nearly 17 years.

By the act of February 6, 1907, a very great advance step in broadening and liberalizing our pension laws was taken. Prior to that time the youngest and the oldest veteran were treated alike, except as their pensions were graded by this order, No. 78.

By the act of February 6, 1907, we recognized advancing years as bringing with them increasing disabilities. Up to and including this period pensions were granted upon the assumption that the claimant was disabled and that the Government, in its gratitude for his great services in its time of need, should extend the hand of assistance.

The act of February 6, 1907, was solely an age pension, and granted pensions to all who had served 90 days, as follows: At the age of 62 years, \$12 per month; 70 years, \$15 per month; and 75 years, \$20 per month.

The act of April 19, 1908, abolished the income provision, which had always been of questionable propriety, and the pension of every widow included in its provisions was increased to \$12 per month.

By the acts of February 6, 1907, and April 19, 1908, the services of the physical and the financial examiner were discontinued. Industry and economy were no longer penalized, and the soldier of the most extended hospital record had no advantage over him of the most extensive field record.

No pension act has ever given such general satisfaction as the act of February 6, 1907, and yet this act has of late been subject to some criticism. In all of our past pension laws the 90-day soldier stands exactly on the same footing as the 4-year soldier. House bill 1 seeks to remedy this by the enactment of a purely service-pension law.

From careful inquiry your committee believes that whatever degree of popularity this bill has obtained is due more to the amount carried by it than to the basis upon which the amount carried is distributed.

No standard can be adopted that will operate with exact justice to each and every soldier. Many soldiers of short service were hurried immediately into the desperate warfare which marked the last year of the campaign.

If a pension should be granted based upon the severity of the hardships or sufferings which the soldier endured in each case, there would be as many different amounts allowed as there are names on the pension roll.

We may ask properly here, What is the fundamental idea back of pension legislation? We believe we express the consensus of the public idea in our answer, that it is national gratitude. This gratitude seeks, in our pension laws, the most proper mode of expression. Its first and its most natural impulse is toward the relief of suffering and destitution. It recognizes that destitution flows from disability.

If our pension legislation had no deeper significance or sentiment than a sort of moral obligation to pay for services a fixed rate per month, then a pension based solely upon length of service might properly be enacted. But if such legislation springs from the sentiment we have indicated, then it is certain that length of service should not be the sole standard in fixing the rate in any particular case.

We do not claim that a pension, varied in amount according to the length of service, does not harmonize with the spirit that is back of all pension legislation. We simply claim that making it the sole standard smacks too much of the idea of hire. Other things being equal, it may very properly be said that the longer the service given in defense of the country the greater should be the gratitude of that country. The committee agree that we will more nearly approximate exact justice, and more nearly measure out to each soldier that sum which his services entitle him to receive from a given appropriation, by adopting both standards, or a double standard, which shall recognize both advancing age and length of service.

A resolution adopted by the Grand Army of the Republic at its last encampment indicates clearly the tenacity with which that organization holds to the principle of a pension law which recognizes the disability of age.

The chairman of the Senate Committee on Pensions prepared a large number of separate propositions, with varying combinations of the age and service standards, and submitted each proposition to the Interior Department to obtain the added cost of pension legislation, and also

requested of the department an estimate of the added cost of House bill 1.

The eleventh proposition, containing the double standard, which was introduced in the form of a bill in Senate bill 4320, in tabulated form, is as follows:

Eleventh proposition.

Age.	90 days.	1 year.	2 years.	3 years.	4 years.
62 years.....	\$13	\$14	\$15	\$16
66 years.....	15	16	17	18
70 years.....	18	20	22	24
75 years.....	21	24	27	30

The report of the added cost of this proposition, in years, is as follows:

Report on eleventh proposition.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	90 days.....	32,708	\$12	\$13	\$12	\$392,496
62	1 year.....	27,807	12	14	24	667,368
62	2 years.....	25,186	12	15	36	906,696
62	3 years and over.....	27,921	12	16	48	1,340,208
66	90 days.....	36,966	12	15	36	1,330,776
66	1 year.....	31,427	12	16	48	1,508,496
66	2 years.....	28,465	12	17	60	1,707,900
66	3 years and over.....	31,556	12	18	72	2,272,032
70	90 days.....	31,590	15	18	36	1,137,240
70	1 year.....	26,857	15	20	60	1,611,420
70	2 years.....	24,325	15	22	84	2,043,300
70	3 years and over.....	26,967	15	24	108	2,912,436
75	90 days.....	19,831	20	21	12	237,972
75	1 year.....	16,860	20	24	48	809,280
75	2 years.....	15,270	20	27	84	1,282,680
75	3 years and over.....	16,929	20	30	120	2,031,480
Total.....		420,665				22,191,780

Average annual increase per pensioner..... \$52.75

Approximate increase in disbursements for pensions:

First year.....	10,550,000.00
Second year.....	30,500,000.00
Third year.....	19,500,000.00
Fourth year.....	17,500,000.00
Fifth year.....	16,000,000.00

This bill (S. 4320), modified by divisions of six months' periods of service, is the one adopted by the committee as a substitute for H. R. 1. The thirteenth proposition submitted is as follows:

Thirteenth proposition.

Age.	90 days.	1 year.	2 years.	3 years.	4 years.
62 years.....	\$12	\$15	\$18	\$21
66 years.....	15	18	21	24
70 years.....	18	21	24	27
75 years.....	21	24	27	30

The report on the thirteenth proposition is as follows:

Report on thirteenth proposition.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	1 year.....	27,807	\$12	\$15	\$36	\$1,001,052
62	2 years.....	25,186	12	18	72	1,813,392
62	3 years and over.....	27,921	12	21	108	3,015,468
66	90 days.....	36,966	12	15	36	1,330,776
66	1 year.....	31,427	12	18	72	2,262,744
66	2 years.....	28,465	12	21	108	3,074,220
66	3 years and over.....	31,556	12	24	144	4,544,064
70	90 days.....	31,590	15	18	36	1,137,240
70	1 year.....	26,857	15	21	72	1,933,704
70	2 years.....	24,325	15	24	108	2,627,100
70	3 years and over.....	26,967	15	27	144	3,883,248
75	90 days.....	19,831	20	21	12	237,972
75	1 year.....	16,860	20	24	48	809,280
75	2 years.....	15,270	20	27	84	1,282,680
75	3 years and over.....	16,929	20	30	120	2,031,480
Total.....		387,957				30,984,420

Average annual increase per pensioner..... \$79.87

Approximate increase in disbursements for pensions:

First year.....	15,974,000.00
Second year.....	41,000,000.00
Third year.....	27,000,000.00

A hearing was had on all of the general pension bills on January 22, 1912, at which hearing the members of the committee on pensions of the Grand Army of the Republic testified. Prior to the giving of their testimony they had met and by resolution declared themselves in favor of the thirteenth proposition, and the testimony of each and all of these members supported the idea of the double standard.

From the hearings and from a very considerable correspondence with veterans of the Civil War it developed that while nearly all preferred the double standard, a very large number preferred to have divisions of

six months rather than one year, as contemplated in these propositions. The tables were therefore rearranged in accordance with this idea and the eleventh proposition, as rearranged, was submitted as proposition No. 16, and is as follows:

Sixteenth proposition (eleventh modified).

Age.	90 days.	6 months.	1 year.	1½ years.	2 years.	2½ years.	3 years and over.
62.....	\$13.00	\$13.50	\$14.00	\$14.50	\$15.00	\$15.50	\$16.00
66.....	15.00	15.50	16.00	16.50	17.00	17.50	18.00
70.....	18.00	19.00	20.00	21.00	22.00	23.00	24.00
75.....	21.00	22.50	24.00	25.50	27.00	28.50	30.00

The report on the sixteenth proposition is as follows:

Proposition No. 16.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	90 days.....	9,573	\$12.00	\$13.00	\$12.00	\$114,876.00
62	6 months.....	23,135	12.00	13.50	18.00	416,430.00
62	1 year.....	15,043	12.00	14.00	24.00	361,032.00
62	1½ years.....	12,764	12.00	14.50	30.00	382,920.00
62	2 years.....	7,294	12.00	15.00	36.00	262,584.00
62	2½ years.....	17,892	12.00	15.50	42.00	751,464.00
62	3 years and over.....	27,921	12.00	16.00	48.00	1,340,208.00
66	90 days.....	10,819	12.00	15.00	36.00	389,484.00
66	6 months.....	26,146	12.00	15.50	42.00	1,098,132.00
66	1 year.....	17,002	12.00	16.00	48.00	816,096.00
66	1½ years.....	14,426	12.00	16.50	54.00	779,004.00
66	2 years.....	8,243	12.00	17.00	60.00	494,580.00
66	2½ years.....	20,222	12.00	17.50	66.00	1,334,652.00
66	3 years and over.....	31,556	12.00	18.00	72.00	2,272,032.00
70	90 days.....	9,271	15.00	18.00	36.00	333,756.00
70	6 months.....	22,405	15.00	19.00	48.00	1,075,440.00
70	1 year.....	14,569	15.00	20.00	60.00	874,140.00
70	1½ years.....	12,361	15.00	21.00	72.00	889,992.00
70	2 years.....	7,064	15.00	22.00	84.00	593,376.00
70	2½ years.....	17,328	15.00	23.00	96.00	1,663,488.00
70	3 years and over.....	27,041	15.00	24.00	108.00	2,920,428.00
75	90 days.....	5,804	20.00	21.00	12.00	69,648.00
75	6 months.....	14,027	20.00	22.50	30.00	420,810.00
75	1 year.....	9,121	20.00	24.00	48.00	437,808.00
75	1½ years.....	7,739	20.00	25.50	66.00	510,774.00
75	2 years.....	4,422	20.00	27.00	84.00	371,448.00
75	2½ years.....	10,848	20.00	28.50	102.00	1,106,496.00
75	3 years and over.....	16,929	20.00	30.00	120.00	2,031,480.00
Total.....		420,965				24,112,578.00

Average annual increase per pensioner..... \$57.27

Approximate increase in disbursements for pensions:

First year.....	11,454,000.00
Second year.....	33,000,000.00
Third year.....	21,000,000.00
Fourth year.....	19,200,000.00
Fifth year.....	17,400,000.00

The thirteenth proposition as rearranged was submitted as the eighteenth proposition and is as follows:

Eighteenth proposition (thirteenth modified).

Age.	90 days.	6 months.	1 year.	1½ years.	2 years.	2½ years.	3 years and over.
62.....	\$12.00	\$13.50	\$15.00	\$16.50	\$18.00	\$19.50	\$21.00
66.....	14.00	15.50	17.00	18.50	20.00	21.50	23.00
70.....	16.00	17.50	19.00	20.50	22.00	23.50	25.00
75.....	20.00	21.50	23.00	24.50	26.00	28.00	30.00

The report on the added cost to the pension appropriation, by reason of enactment of H. R. 1 as it passed the House, is as follows:

Length of service.	Number of pensioners.	Present rate per month.	Proposed rate per month.	Annual increase per pensioner.	Total increase per annum.
3 months.....	143	\$6	\$15	\$108	\$15,444
	205	8	15	84	17,220
	185	10	15	60	11,100
	20,422	12	15	36	735,192
	702	14	15	12	8,424
6 months.....	124	6	20	168	20,832
	183	8	20	144	26,352
	165	10	20	120	19,800
	18,234	12	20	96	1,750,464
	627	14	20	72	45,144
9 months.....	8,255	15	20	60	495,300
	189	16	20	48	9,072
	1,908	17	20	36	68,688
	206	6	25	228	46,968
	305	8	25	204	62,220
Total.....	275	10	25	180	49,500
	30,391	12	25	156	4,740,996
	1,044	14	25	132	137,808
	13,758	15	25	120	1,650,960
	315	16	25	108	34,020
	3,180	17	25	96	305,280
	8,971	20	25	60	538,260
	182	22	25	36	6,552
	3,893	24	25	12	46,716

Length of service.	Number of pensioners.	Present rate per month.	Proposed rate per month.	Annual increase per pensioner.	Total increase per annum.
1 year and over.....	1,169	\$6	\$30	\$288	\$336,672
	1,732	8	30	264	457,248
	1,564	10	30	240	375,360
	172,621	12	30	216	37,285,136
	5,932	14	30	192	1,138,944
	78,148	15	30	180	14,060,640
	1,787	16	30	168	300,216
	18,063	17	30	156	2,817,828
	152,351	20	30	120	6,282,120
	1,036	22	30	96	99,456
	22,113	24	30	72	1,592,136
	958	25	30	60	57,480
	Total.....	471,336			

Includes 1,398 survivors of the War with Mexico.

The report on the eighteenth proposition is as follows:

Proposition No. 18.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	6 months.....	23,135	\$12.00	\$13.50	\$18.00	\$416,430.00
62	1 year.....	15,043	12.00	15.00	36.00	541,548.00
62	1½ years.....	12,764	12.00	16.50	54.00	689,256.00
62	2 years.....	7,294	12.00	18.00	72.00	525,168.00
62	2½ years.....	17,892	12.00	19.50	90.00	1,610,280.00
62	3 years and over.....	27,921	12.00	21.00	108.00	3,015,468.00
66	90 days.....	10,819	12.00	14.00	24.00	259,656.00
66	6 months.....	26,146	12.00	15.50	42.00	1,098,132.00
66	1 year.....	17,002	12.00	17.00	60.00	1,020,120.00
66	1½ years.....	14,426	12.00	18.50	78.00	1,125,228.00
66	2 years.....	8,243	12.00	20.00	96.00	791,328.00
66	2½ years.....	20,222	12.00	21.50	114.00	2,305,308.00
66	3 years and over.....	31,556	12.00	23.00	132.00	4,165,392.00
70	90 days.....	9,271	15.00	16.00	12.00	111,262.00
70	6 months.....	22,405	15.00	17.50	30.00	672,150.00
70	1 year.....	14,569	15.00	19.00	48.00	699,312.00
70	1½ years.....	12,361	15.00	20.50	66.00	815,826.00
70	2 years.....	7,064	15.00	22.00	84.00	593,376.00
70	2½ years.....	17,328	15.00	23.50	100.00	1,767,456.00
70	3 years and over.....	27,041	15.00	25.00	120.00	3,244,920.00
75	6 months.....	14,027	20.00	21.50	18.00	252,486.00
75	1 year.....	9,121	20.00	23.00	36.00	328,356.00
75	1½ years.....	7,739	20.00	24.50	54.00	417,906.00
75	2 years.....	4,422	20.00	26.00	72.00	318,384.00
75	2½ years.....	10,848	20.00	28.00	96.00	1,041,408.00
75	3 years and over.....	16,929	20.00	30.00	120.00	2,031,480.00
Total.....		405,588				29,857,626.00

Average increase per pensioner..... \$73.61

Approximate increase in disbursements for pensions:

First year.....	14,722,000.00
Second year.....	40,373,907.00
Third year.....	26,184,034.00
Fourth year.....	24,000,000.00
Fifth year.....	22,000,000.00

Average increase per annum per pensioner is..... 160.50

Approximate increase in disbursements for pensions:

First year.....	32,000,000.00
Second year.....	86,500,000.00
Third year.....	59,000,000.00
Fourth year.....	54,500,000.00
Fifth year.....	50,000,000.00
Sixth year.....	45,500,000.00

The last official estimate of national income and expense for the year ending June 30, 1913, gives us a balance of income over expense, exclusive of Panama Canal disbursements, of about \$30,000,000. Assuming that we will be able to maintain the relation of income to expense during the following year, with the practice of a little more rigid economy we could probably expend \$33,000,000 in addition to the present cost of pensions for the year ending June 30, 1914, without the necessity of issuing bonds to cover the increased expenses.

Your committee adopted the sixteenth proposition rather than the eighteenth because of our belief that we could increase our appropriation \$33,000,000 without a bond issue.

The cause of the second year's appropriation being so much greater than either the first or the third is that the bureau under ordinary conditions will handle about 200,000 applications a year; and it is safe to say that 400,000 would be filed within the first year, and therefore the second year would carry the arrears of about 200,000. Of course this depends upon what time in the year the bill becomes a law. We believe that if we can pass this amended bill before the summer months the bureau will be able to handle more than 200,000 cases the first year. We will thereby increase the estimated additional cost for the first year several million dollars and decrease the second year's estimate an equivalent amount, and thus keep clearly within our income.

Your committee, in reporting a bill which shall carry an additional average annual appropriation for pensions during the next five years of \$20,410,000 per year in the place of House bill 1, which would require an additional average expenditure of \$56,600,000 per annum, and which ignores what we regard as a very proper element in granting pensions, the disabilities of age, are animated by a desire to at all times maintain a strong sentiment on the part of the public toward this increase and further future increases of pensions, and which sentiment might, to some extent, at least, be jeopardized by advancing pension appropriations in a single bill so rapidly as to necessitate a bond issue to meet its requirements. We believe that the interests of the soldiers will be better subserved and that we shall in the end accomplish

more for the comfort of the veterans of the Civil War if we shall advance step by step, keeping within the Government's income under economic administration.

The provisions relating to the Mexican War veterans are the same as those contained in the House bill.

The majority of your committee supported another amendment which recognizes the right of pension attorneys to represent their clients in cases where it was thought proper that a soldier claimant should be entitled to legal service, as indicated in section 3. The amendment is carefully guarded, so that in no case can anything but a nominal charge be made. We believe that this amendment will in many instances be beneficial and that in no case can it operate to do an injustice to any veteran.

The majority of the committee deemed it advisable to further amend our general legislation with reference to publication of names of pensioners on the rolls, as indicated in the foregoing amendment, section 4.

As amended the committee report the bill favorably and recommend that it pass.

[Senate Report No. 355, part 2, Sixty-second Congress, second session.]

SERVICE PENSION.

Mr. CURTIS (for himself, Mr. BROWN, Mr. SHIVELY, Mr. POINDEXTER, and Mr. JOHNSON), from the Committee on Pensions, submitted the following views of a minority, to accompany H. R. 1:

We, the undersigned, being a minority of the Senate Committee on Pensions, present this report after a careful consideration of the various pension bills or propositions which were presented to the committee.

We hope each Senator will duly consider the two propositions pending before the Senate, to wit: House bill 1, better known as the Sherwood bill, and the Senate proposition, known as the Smoot substitute, believing if they do they will vote down the substitute and pass the Sherwood bill.

There are many reasons why we favor the Sherwood bill. In the first place it does partial justice to a large number of Union soldiers who served one year and over, by giving them a dollar-a-day pension, and it will give an increase to a very large number of men who served less than one year, while the substitute will give a dollar a day to only those soldiers who have arrived at the age of 75 years and who had a service of three years and over.

Under the Sherwood bill most of the pension examining boards could be done away with and fewer special examiners would be required.

Under the Sherwood bill, after the new certificates are issued no expense will be incurred for the issuance of new certificates to those drawing pensions under it, but under the substitute new certificates must be issued as the pensioners below 75 years of age advance in years.

The opposition to the Sherwood bill is based upon the ground that it will carry a large appropriation, but we do not believe it just to the Union soldiers to measure their service in dollars and cents. We believe they are entitled to liberal pensions, regardless of the size of the appropriation.

But, after carefully considering the subject, we believe the estimates of the Pension Bureau as to the cost of the Sherwood bill are too high, because they are based on a report over 20 years old, while the figures given by Mr. Sherwood are based upon data taken from the records of the War Department.

We believe that if the Sherwood bill is enacted into law many of those whose pensions will be increased to \$30 per month and who are now inmates of soldiers' homes will return to their own homes and firesides.

We believe its enactment into law will greatly decrease the requests for the introduction of private pension bills. While the substitute gives increases to each of the pensioners, yet we do not believe such increases are as large and substantial as they should be under all the circumstances.

We ask you, in considering this question, to remember the debt this Nation owes to the Union soldier; to remember that of that grand army of brave men who offered their lives to preserve the Union it is estimated that at least 36,000 will answer the last roll call this year, and to remember, further, that if anything is going to be done for them, now is the time to do it.

We recommend the defeat of the substitute reported by a majority of the committee, and ask for the passage of House bill 1, known as the Sherwood bill.

All of which is respectfully submitted.

CHARLES CURTIS.
NORRIS BROWN.
BENJ. F. SHIVELY.
MILES POINDEXTER.
CHARLES F. JOHNSON.

[Senate Report No. 355, part 3, Sixty-second Congress, second session.]

SERVICE PENSION.

Mr. BRYAN, from the Committee on Pensions, submitted the following views to accompany H. R. 1.

This bill enjoys the unusual distinction of not having the support of a majority of the committee which reports it.

Of the 14 Members comprising the committee 5 have signed a minority report, because they prefer the House bill, and the Senator from Oklahoma, Mr. GORE, and myself are recorded as being opposed to both the bill reported by the committee and the House bill.

The House bill recognizes service only. The bill reported by the committee combines age with length of service.

The majority report complains that a service pension "smacks too much of the idea of hire." In the views of the minority, favoring the Sherwood bill, the idea of measuring military service by money is condemned. Yet that is exactly the thing both bills, when analyzed, undertake to do.

The central idea running through the hearings and through both reports is that we are engaged in paying a debt.

If we owe the soldiers of the Civil War a debt that can be paid in money, then the theory of the Sherwood bill is correct.

If mere enlistment for 90 days, regardless of actual service, to be more highly rewarded by "national gratitude" if the soldier enlisted at the age of 25 instead of at 20, ought to be the test, then the bill reported may be conceded to be correct in principle.

Both of these ideas have already found expression in our pension legislation—singly and in combination. It can not truthfully be said, measured by either or both of these standards, that this Government has failed in its obligation.

Mr. Samuel S. Burdett, past commander in chief of the Grand Army of the Republic, at the hearing before your Committee on Pensions made this statement: "If nothing else in our favor were ever done in our day, it never could be said, to-day or in any to-morrow, that the people of the United States were ungrateful to those who served them."

So, therefore, it is not the purpose of either the Sherwood bill or the bill reported to establish any new principle. It is not a question of principle or of "national gratitude." It is purely a question of more money. A member of the legislative committee of the Grand Army of the Republic accurately expressed the "principle" involved in this bill in the following apt language:

"Of course I think you will all concede, gentlemen, that No. 13 is a little better holdout than No. 11. Of course I should favor that myself. It was unanimous with the committee of which I have the honor to be a member."

If \$150,000,000 per annum is not a sufficient expression of appreciation, would an additional annual appropriation of \$25,000,000 make it go? If not, how much would?

Confessedly the only restraining influence upon the committee is the revenues of the Government, and so this bill is proposed upon the assumption that all these large professions about the reduction of our present tariff laws are not meant to be kept.

This bill undertakes to reconcile two irreconcilable elements, viz, age and length of service. Its incongruities are well illustrated by the statement of former Congressman Gardner, of Michigan, as follows:

"There were over 600,000, as I recall—I could refer to it specifically if necessary—that served three months or less—90-day militia. * * * I say to you what I know to be a fact. While many of these men fought, and fought well, the great body of them simply went to man the forts, to release the three-year men that went to the front and did the shooting. That is a fact, gentlemen. Lots of these men never got the polish off their shoes. It is no disparagement to them. They did all they were called upon to do. They wore paper collars and ate soft bread. It was no fault of theirs. Ohio had how many regiments of that kind, Col. McElroy, that never lost a man?"

"Mr. McElroy. Oh, quite a number of them never saw any fighting and never heard a cannon.

"Mr. GARDNER. Many of them never fired a gun. I say to you, gentlemen—and I am willing to defend this proposition before any Grand Army gathering in the country—that the man who went to war and served only 90 days and received no permanent disability from wounds or anything resulting from his service is not entitled to rank with the man who served two, three, or four years at the front."

It is refreshing that if the bill must pass as reported, the names of the pensioners will be made public. It is to be hoped that an aroused public sentiment may hereafter save to the meritorious and the needy pensioners the humiliation of making common cause with the undeserving whose military service was at best nominal.

If we would take thought of the people who have to pay pensions as well as of those who receive them, if we would limit payment to those who suffered injury because of service in the war and who are therefore entitled to governmental aid, we would remedy the injustices now perpetrated in the name of patriotism.

N. P. BRYAN

Mr. GALLINGER. Mr. President, if the Senator from North Dakota will give me his attention for a moment, I have a very clear recollection that in several general laws we passed increasing the pensions of soldiers there was a provision to the effect that no pension attorney, claim agent, or other person should be entitled to receive any compensation for services rendered, it being held that it was a matter that the Pension Bureau could itself attend to, and that there was no need of attorneys. I observe that in the so-called Sherwood pension bill there is a section covering that point, which reads:

That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act.

While in the substitute there is a provision that pension attorneys shall be recognized and be paid a certain sum, not a very large sum in each case, but a very large sum in the aggregate.

I take it for granted that there is some special reason why the provision in the substitute should be different from that in the original bill, and I ask simply for information as to the reason that controls the matter. Why was that change made?

Mr. McCUMBER. Mr. President, I think I can better express that in the single paragraph which is included in my report, which reads:

The majority of your committee supported another amendment which recognizes the right of pension attorneys to represent their clients in cases where it was thought proper that a soldier claimant should be entitled to legal service, as indicated in section 3. The amendment is carefully guarded so that in no case can anything but a nominal charge be made. We believe that this amendment will in many instances be beneficial, and that in no case can it operate to do an injustice to any veteran.

Mr. GALLINGER. Mr. President, the difficulty about that is that immediately upon the passage of this bill every ex-soldier who is entitled to recognition under this law will receive a letter from 1 or 20 pension attorneys calling attention to the fact that their services are indispensable, and the soldiers will make contracts with those men. They will be anxious to get the increased allowance and thousands and tens of thousands and hundreds of thousands of dollars will be paid by these poor soldiers to the pension attorneys who are watching for every possible opportunity to get a fee in these cases.

I will ask the Senator if, in his judgment, the Pension Bureau can not adjust these claims. It is a mere question of increasing a pension in almost every instance. A man gets \$12 now,

and he will get \$13 or \$14 under this bill. Is it necessary for a pension attorney to take up that case and prosecute the claim?

Mr. McCUMBER. In ninety-nine cases out of a hundred I would say no, it would not be necessary; but there are many cases where a question may come up as to the identity of the soldier, as to his service, and other matters where he might need legal assistance, and the fee is so small, a couple of dollars, that the majority of the committee felt that there could be no outrage, at least, perpetrated upon the soldier, and that in many instances he would get his work done more quickly. He would, in many instances, be compelled to take an appeal possibly from the Commissioner of Pensions to the Secretary of the Interior, and in cases of that kind he might need the service of an attorney.

Mr. GALLINGER. The appeal is a perfunctory matter, is it not?

Mr. McCUMBER. It may be, but there are many thousands of soldiers who would not know how to go to work to take an appeal even in a perfunctory way.

Mr. GALLINGER. Then the Senator speaks of a fee of \$2. What about a \$5 fee?

Mr. McCUMBER. I think it is only \$2, if I remember correctly, when it is a small increase of pension, and there are not many of the \$5 cases.

Mr. GALLINGER. The Senator speaks about cases arising where it is necessary to identify these people and all that. Is it not a fact that they are all on the pension roll now? Their status has been established. I remember this was fought out here several years ago on another bill which I happened to have charge of. It seems to me it is an automatic matter, and if the Commissioner of Pensions finds that a soldier is receiving \$15 a month and under this bill he is to receive \$16, the increase is made on the books of the Pension Bureau. I may be wrong about it, but that is the way it strikes me.

Mr. McCUMBER. We have some testimony on the subject that was given before the committee and was taken down. When we reach that part of the amendment I will present the testimony upon that proposition.

Mr. GALLINGER. The entire amendment is now before us.

Mr. POMERENE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. I yield.

Mr. POMERENE. I was going to address myself to the Senator from New Hampshire, to ask him whether he knows what is the view of the Pension Department on this subject of allowing attorneys' fees.

Mr. GALLINGER. I simply remember, Mr. President, that on a former occasion I did consult the Commissioner of Pensions—it was several years ago—and he informed me that there was no need whatever of a pension attorney in a bill of that kind, that the bureau would take care of it. It may be different in this bill; I do not know. But I can not see that there is any difference or any need of such employment in these cases.

Mr. ROOT. Mr. President, I should like to ask a question of the Senator from North Dakota, the chairman of the committee. Is not the third section of the act of February 6, 1907, the service-pension act, still in force? That section provides:

That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pensions under this act.

Have any abuses developed under it which make it desirable to change the judgment which Congress reached at the time that act was passed?

Mr. McCUMBER. There are a great many cases in which soldiers were compelled to have investigations, and have an appeal, and have explanations made to them. The department might not be quite as careful of their interest in getting a decision quickly upon any controverted question, and it might not be as desirous of giving the soldier all of the detailed information that he might want in a given case that his own attorney might suggest to him.

I have stated that in ninety-nine cases probably out of a hundred there would never be any occasion for an attorney at all, but undoubtedly there will be occasion for an attorney once in awhile, and it was simply provided that if the claimant himself desires an attorney to appear before the department to present his case for the nominal fee of \$2 he shall have that right and the commissioner shall recognize him.

I have not gone into any lengthy discussion of it because, like all the other matters, it was a question in which the committee itself had diverse views.

Mr. GALLINGER. Mr. President—

Mr. ROOT. I merely wish to ask another question.

Mr. McCUMBER. I might explain the other matter about which the Senator asked. He asked if the other section is not still the law. I will say no; we amend the entire law of 1907 so that it shall read as follows.

Mr. ROOT. By the new bill?

Mr. McCUMBER. By the new bill.

Mr. ROOT. But up to this time it has been the law.

Mr. McCUMBER. Oh, yes.

Mr. ROOT. Then, I will complete my inquiry by asking whether, in the comparatively small number of exceptional cases in which an applicant for a pension needs advice and assistance, it would not be better for us to have an officer connected with the Pension Bureau whose duty it shall be to give the necessary advice to these men. I do not believe in turning loose a horde of hungry lawyers and pension agents upon these old pensioners. I am not much in favor of increasing our pension law, but I think what we are going to do we ought to do in such a way as to make the money that is paid out of the Treasury go to the utmost for the benefit of the men we intend to have it go to. It seems to me that we should seek to do this for them without requiring them to employ lawyers at all.

Mr. GALLINGER. Mr. President, I desire at this time to say that I will move to strike out section 3 of the bill at the proper time, and insert instead thereof section 6 of the bill as it came from the House of Representatives, which denies to pension attorneys any compensation for services they may render.

Mr. SMOOT. Mr. President, I was heartily in favor of the provision of the House bill, as contained in the general act of 1907, but Gen. Michener, deeply interested in the old soldiers' behalf, appeared before the committee.

Mr. BRISTOW. I wish to ask if Gen. Michener is not a pension attorney who would very largely profit by this very provision.

Mr. SMOOT. I know he is an attorney. I do not know how much he would profit by the provision.

Mr. BRISTOW. He is a pension attorney who has made more money out of the old soldiers than probably any other pension attorney.

Mr. SMOOT. I do not know as to that.

Mr. MARTINE of New Jersey. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. I want to say, however, that at the time he appeared before the committee he made the statement that he is not now practicing law as a pension attorney.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. In just a moment I will be through, and then I will yield the floor.

Mr. MARTINE of New Jersey. Proceed.

Mr. SMOOT. I will yield if the Senator wishes to ask a question.

Mr. MARTINE of New Jersey. No; I have no question to ask. I thought the Senator had finished.

Mr. SMOOT. It was on the appeal that was made by Gen. Michener that I decided not to oppose the provision. He stated to the committee why this provision was necessary for the protection of the soldier. I believe it was approved by almost a unanimous vote of the committee—

Mr. CURTIS. Mr. President—

Mr. SMOOT. That it was necessary to have legal advice in certain cases such as stated by the chairman.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I yield.

Mr. CURTIS. I hope the Senator from Utah will not say that the vote on that question was unanimous or nearly unanimous. We have no right, as I understand it, to speak about what the vote was in the committee, but such a statement makes it necessary for each one of us to say that we did not or did vote for it. I want to say for one that I voted against the proposition. I think it is wrong to provide for attorneys' fees in these cases.

Mr. SMOOT. Mr. President, I did not say that it was unanimous. I said nearly so. That is the word I used.

Mr. WORKS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. Yes.

Mr. WORKS. I want to say that some time ago I proposed an amendment to the bill by way of a substitute. I am not going to press it on the Senate now, but one section in it applies to this very question. I should like to call the attention

particularly of the Senator from North Dakota to it. It was intended to meet this situation. It provides:

SEC. 8. That all pensioners now receiving pensions for service in the Civil War under an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and War with Mexico," approved February 6, 1907, shall be entitled to pensions under this act without further application or examination, and the Commissioner of Pensions is directed to list such pensioners for pensions under this act upon its taking effect, and thereafter no pensions to persons serving in the Civil War shall be granted or paid under said act approved February 6, 1907; and all pensioners now receiving pensions for such service, under special or private acts not in excess of the amount to which they would be entitled under this act, shall also be listed by the Commissioner of Pensions and paid under this act, and not otherwise.

One of the objects and purposes was to relieve the old soldier of the necessity of employing an attorney in making simply this transfer from one list to another.

Mr. McCUMBER. If the Senator from Utah will allow me to just briefly answer the Senator from California, I will say that provision in the bill would compel a soldier who is upon the present pension roll to take a higher pension whether he wanted it or not.

Mr. WORKS. That might be avoided. I will not insist upon that.

Mr. McCUMBER. And for that reason we eliminated that provision in 1907, leaving it discretionary with the soldier as to whether he would seek this additional pension if he is entitled to receive it. Another reason was that it sometimes requires months before the department can be apprised of the death of a soldier and, therefore, they would be misled in making this change and in making an additional change while the soldier might be dead. Complications then might arise in the settlement with the widow or the person entitled to the additional sum, as to what amount should be received. Inasmuch as every soldier, I think, will know that he may apply and receive an additional sum under the present bill, undoubtedly it is safe to leave the matter with him.

I thank the Senator from Utah for yielding to me.

Mr. WORKS. I only suggest at the present time that something should be done, in my judgment, to prevent raids upon these old soldiers by the pension sharks.

Mr. SMOOT. Mr. President, I am in full sympathy with the last statement made by the Senator from California [Mr. WORKS]. The only reason that the provision was reported by the committee was to take care of the old soldier and protect his interests; and so far as I am personally concerned, I have no desire for it to remain in the bill if it is not going to accomplish that purpose.

As the Senator from Kansas [Mr. CURTIS] has called attention to the fact of how he voted in committee, I might as well say that I voted against the provision in committee, but after talking with Gen. Michener I felt as though it might be necessary, so far as a few of the old soldiers are concerned, that the provision should be made.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. The Senator from New Jersey [Mr. MARTINE] previously addressed the Chair.

Mr. GALLINGER. Will the Senator from New Jersey yield to me for one moment?

Mr. MARTINE of New Jersey. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I now move to strike out section 3 of the substitute and to insert instead thereof section 6 of the bill as it came from the House of Representatives.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to strike out section 3 of the proposed substitute and in lieu thereof to insert the following as section 3:

SEC. 6. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act.

Mr. MARTINE of New Jersey. Mr. President, I desire to make a few remarks on the pending bill, but I am willing that this amendment shall first be voted upon.

Mr. WILLIAMS. One word, Mr. President. I want to offer as an amendment to the amendment just offered by the Senator from New Hampshire [Mr. GALLINGER] the following language:

Nor shall anyone be entitled to a pension under this act who is possessed of an annual income of \$1,200 or more.

While I am on my feet, Mr. President, I want to ask the Senator in charge of the bill a question. It seems to me—I may be inaccurate—that this bill discriminates in favor of the 90-day men.

Mr. GALLINGER. Mr. President, would the Senator from Mississippi permit the suggestion that his amendment is on an

entirely different subject, and would he not let the vote first be taken upon the motion I have made?

Mr. WILLIAMS. Very well. Then I give notice that I shall offer the amendment which I have stated after the amendment which the Senator from New Hampshire refers to is voted upon.

Mr. GALLINGER. That is better, I feel sure.

Mr. WILLIAMS. Mr. President, I want to ask the Senator from North Dakota [Mr. McCUMBER] a question, if I may be permitted to do so. It seems to me—I may be wrong about it—that this bill, as compared with the bill for which it is a substitute, discriminates in favor of the 90-day men and against the long-service men, and it seems to do it simply upon the ground of age. Now, I notice in case such a person has reached the age of 62 years and has served 90 days he receives \$13 per month, while if the person has reached that age and has served 3 years or over he receives only \$16 per month. But the discrimination is worse when you come to men who are 70 years of age. If they served only 90 days, they receive \$18 per month under the bill, whereas the men who served 3 years or over, if they happen to be only 62 years of age, receive \$16 per month.

Now, I submit to the Senator in charge of the bill that the degree of pensionableness is not solely the question of age. A man of 70 may be in good health and perfectly self-keeping, while a man of 60 may not be; and the 90-day men under this bill, if they are 70 years of age, will receive \$2 more than a veteran who served during the whole war—3 years or over. Does the Senator think that is a just discrimination?

Mr. McCUMBER. If the Senator wants an answer right away I will say that he will find that there are very few 62-year-old men who served only for 90 days—so very few that probably all of them within a year will be entirely eliminated from consideration.

Mr. WILLIAMS. But there are still fewer men, are there not, 62 years of age who served three years or over?

Mr. McCUMBER. Oh, no; there are a great many more 62-year-old men who served for a greater period than that short length of time. By the report we had before us it appeared that there were only 9,573 62-year-old men who served 90 days. When you get up to 6 months' service you find 23,000 of them; at 1 year's service you get 15,000 additional; at 1½ years' service you get 12,764 additional; at 2½ years you get 17,892 additional; and at 3 years and over you get 27,921.

Mr. WILLIAMS. Yes; I see all that; but the question I want to ask the Senator is: Does he think it just that a man who served only 90 days—and, for a good part, the men who served 90 days virtually did not serve at all—should receive \$18 per month, whereas a man who served 3 years or over should receive only \$16 per month, simply because he is 8 years younger? There is no other reason.

Mr. McCUMBER. Well, Mr. President, if you use the double standard you have to make your divisions somewhere; and you have got to make them if under a double standard, where you will recognize a certain increase on each subdivision, and you have got to divide those standards in such a way as to result in as nearly equity and justice between the parties as possible. After very thorough study and after hearing the testimony of the pension committee of the Grand Army of the Republic, the majority of the Senate Committee on Pensions adopted this present standard. If the Senator claims that service should be the dominant feature, then he must admit that this bill is far superior to the present law, because under the present law there is no distinction made between the 62-year-old man who served 90 days and the 70 or 75 year old man who served for the full 3 years' term. The 62-year-old man receives exactly as much as the 75-year-old man.

Mr. WILLIAMS. I was not comparing it, if the Senator from North Dakota will pardon me a moment, with the existing law, but with the provision for which it is a substitute.

Mr. McCUMBER. I merely want to say one word in reference to the amendment offered by the Senator from New Hampshire [Mr. GALLINGER].

Mr. LODGE. Before the Senator does that will he allow me to ask him a question in regard to the figures which he has just quoted?

Mr. McCUMBER. Yes.

Mr. LODGE. It appears that the men now 62 years of age who served three years and over in the Army number 27,921; that is, that 27,921 men entered the Union Army at the age of 12 years.

Mr. GALLINGER. Eleven years.

Mr. LODGE. At 12 years of age. Why, Mr. President, that seems incredible.

Mr. McCUMBER. The Senator from Massachusetts does not understand it. That is between 62 and 66 years of age.

Mr. LODGE. Oh!

Mr. McCUMBER. In the next subdivision they range from 62 up to 66 years.

Mr. LODGE. The question the Senator from Mississippi [Mr. WILLIAMS] asked was about the men 62 years of age, and the reply was that 27,921 had entered the Army and served three years; that is, had entered the Army when they were 11 or 12 years old. That seemed to me one of the most amazing statements that I had ever heard.

Mr. McCUMBER. I suppose that the Senator who asks the question of course recognizes the division between the 62-year-old men and the next division of 66 and the other division of 70.

Mr. LODGE. I do.

Mr. McCUMBER. I mean the Senator from Mississippi [Mr. WILLIAMS]. Therefore, in answering him I answered him assuming that he had all of that class in mind—from 62 to 66 years of age.

Mr. WILLIAMS. If the figures of the Senator from Massachusetts are correct, and if these people who are 62 would have had to enter the Army at 12 years of age, then the people who are 66 would have had to enter it under 16, would they not?

Mr. LODGE. Yes; 16 years.

Mr. SMITH of Michigan. Mr. President—

Mr. McCUMBER. Just a moment. I said to the Senator from Mississippi, and I am now stating it for the benefit of the Senator from Massachusetts, that the number who were 62 years of age and served 90 days was 9,573.

Mr. LODGE. I am taking the 3-year list men 62 years of age. The way it is printed here, of those between 62 and 63 years, there were 27,921. If they are only 62 now, they were in 1861 not far from 11 years old, and I can not believe—

Mr. WILLIAMS. If they were 60, they were not far from a little over 15 years old.

Mr. LODGE. That is surprising, and it does seem that they entered very young.

Mr. SMITH of Michigan. Will the Senator from Massachusetts yield to me?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. LODGE. I do.

Mr. SMITH of Michigan. If the Senator from Massachusetts will permit me, I will read some interesting data regarding the ages of the young men who made up the Union Army. I think it will be very interesting right at this point. There were 846,000 boys in the Union Army 16 years of age and under.

Mr. LODGE. When?

Mr. SMITH of Michigan. Altogether.

Mr. LODGE. But at what time?

Mr. SMITH of Michigan. Altogether in the Union Army.

Mr. LODGE. At what period were they 16—when they entered, or when they came out, or during their service?

Mr. SMITH of Michigan. When they entered, of course.

Mr. LODGE. When they entered, precisely.

Mr. SMITH of Michigan. There were over 2,000 boys under 14 years of age in the Army; there were 1,151,000 boys 18 years of age and under; and 2,159,778 boys at the age of 21 and under, who put down the rebellion in the bloodiest contest ever waged in the history of the world.

Mr. LODGE. Precisely.

Mr. SMITH of Michigan. One moment. I will say further there were 618,511 young men who were 22 years of age and over in the Union Army, and most of the officers were under 25 years of age. Fifty thousand of these boys were killed in battle, 40,000 of them died of wounds, 225,000 died from disease, and 280,000 boys were wounded in battle.

Mr. LODGE. Those figures, Mr. President, if the Senator will allow me, sustain precisely the position I was taking.

Mr. SMITH of Michigan. That is the reason I offered them.

Mr. LODGE. I am glad the Senator offered them, if that was his reason. They show that 2,000 boys entered the Union Army at the age of 14.

Mr. SMITH of Michigan. Exactly.

Mr. LODGE. But according to the figures which have been cited by the Senator from North Dakota, we are left to suppose that 27,000 might have entered at 11 or 12, and I find no record of so many having enlisted as young as that.

Mr. SMITH of Michigan. I noticed that the Senator from Massachusetts was not making much headway with his statement, and I thought that I could verify his contention. The figures I have given bear out that statement and are most striking, as they illustrate the extreme youth of those who composed the Army for the Union, and I dare say are a correct index to the extreme youth of the young men and boys who made up the heroic and gallant defenders of the Confederate cause.

Mr. OVERMAN. Mr. President, I inquire what is the sum total of the number of men in the Union Army according to the figures given by the Senator from Michigan?

Mr. SMITH of Michigan. Those figures, Mr. President, are cumulative and relate to different periods, but the classification is accurate.

Mr. OVERMAN. I was going to say that according to those figures there must have been about 3,000,000 men in the Union Army.

Mr. SMITH of Michigan. No. I have no doubt there were times when it seemed as though we had that many, but we did not. I dare say the soldiers of the Southern army were as young as those in the northern army and equally as dauntless.

Mr. OVERMAN. I am not talking about the ages, but I was surprised at the number of men who were in the Union Army according to the Senator's figures.

Mr. SMITH of Michigan. The Senator from North Carolina need not be surprised; the record is made up and is imperishable; these figures are cumulative and the age classification is correct. For instance, the figures given for boys of 18 years and under include the boys 16 years of age, and the figures given for young men 21 years of age include those both of 18 and 16.

Mr. LODGE. Why, Mr. President, I thought those figures showed the number who entered the Army at a given age.

Mr. McCUMBER. Oh, no; Mr. President, they have nothing to do with the age at entering the Army; they show the number now living of a given age who served a certain length of time.

Mr. LODGE. I understood the figures of the Senator from Michigan represented the number who enlisted in the Army at 14, 16, 18, 21, and 22 years of age; but I did not understand that the figures given of those who entered at 22 covered all who had entered at an earlier age.

Mr. SMITH of Michigan. No; Mr. President, the Senator from Massachusetts is correct; the figures given do not include those who enlisted at 22 or over. I was showing the total under 22, classified at 14 years of age, 16, 18, and 21 years.

Mr. LODGE. The Senator stated they were cumulative.

Mr. SMITH of Michigan. The figures are cumulative, but there were 846,000 boys in the Union Army 16 years old and under, and 2,000 boys under 14 years of age.

Mr. NELSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I do.

Mr. NELSON. I simply rose to say that the argument is so confusing that I hardly know how old I was when I went into the Army. [Laughter.]

Mr. McCUMBER. Possibly I can give the Senator some light as to how old he was when he entered the Army. Strange as these figures may seem to the Senator from Massachusetts [Mr. Lodge], if he will take the report of the cases of those who applied for pension or increase of pension under the act of 1907 he will find that at that time, five years ago now, there were of those 62 years of age who were granted pensions under that law 104,857. There are now of those 62 years of age who served for three years and over 27,921. The exact number is given of those who served 90 days, six months, and from six months up to a year, and so forth.

Mr. LODGE. Mr. President, if the Senator will allow me, I have had opportunity to examine the figures of the Senator from Michigan, and, as he has stated, they are cumulative; but what confused me was that after giving the total number for 21 years and under they then added the number 22 years and over and did not make them cumulative. However, as the figures for the age of 21 and under are cumulative—that is, cover all before that time—they harmonize entirely with my statement, which was to the effect that now there can not be practically any soldiers of 62 who served in the Union Army.

Mr. McCUMBER. Mr. President, there are some Senators who desire an executive session this evening. I will, of course, move to take this matter up again as the unfinished business tomorrow—

Mr. GALLINGER. Mr. President—

Mr. MARTINE of New Jersey. Before that motion is put—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New Jersey?

Mr. McCUMBER. Certainly.

Mr. MARTINE of New Jersey. Mr. President, that which I have to say may not be interesting, but at least it defines my position on this question.

I beg to say that my kin were on the other side, the side that wore the gray. They lie to-day beneath the southern sun. The little property that they had accumulated before that strife was swept away as dew before the rising sun. There was a time in my life when nothing on earth would have induced me to voice the words to which I now give utterance. At the close of that horrid strife my heart was filled with bitterness, with hate—yes, with vengeance; but, thank God, I have lived since then,

I have grown bigger, broader, more catholic, and, I trust, more Christian. My heart, then filled with hatred and vengeance, thank God, now full of charity, love, sympathy, and humanity. I see things to-day through a different lens than I then saw them, and, thank Heaven, I am brave enough to confess that change.

Mr. President, I insist if there was ever a justification for a pension, that justification is twofold. When they went into the Army the soldiers were young and generally in good health, but to-day they are decrepit, old, and infirm, and, further than that, every man's dollar to-day has been cut in two.

I presume in common with other Senators I have received many letters on this much-mooted question of the pension laws. Those letters bring to me different tales and different thoughts. Some bring to me tidings that should I vote for this measure it will be my political death. Sad, indeed! I trust Senators may press back their tears. I have heard from time to time for 40 years of my political life that this step or that step would be my political death and doom; but I am still worshipping at the same shrine, pleading and preaching the same gospel.

From some letters I learn that the country can ill stand this drain upon its purse. I received such a letter from one who has been a beneficiary of the protective tariff system, the most horrid, outrageous, unjust, and iniquitous system of taxation that ever disgraced the statute books of any country. He says that the country can ill stand the drain on its Treasury that this bill will cause, and yet for 25 years he has been pressing into his coffers the results of that unjust, outrageous system of taxation.

I have letters from another class—one from an old man, who writes: "I am 73 years old. I can no longer work and can scarcely walk. I served three and a half years in the war. I am told," says he, "that I may go to the soldiers' home, but when I ask what is to become of Betsy, they say naught, but point over the hills to the poorhouse."

Other letters also tell me that our Treasury can not withstand this drain. How, they ask, would I replenish it? I answer I would invoke an income tax; I would multiply the tariff on diamonds and foreign wines, and if further income be demanded I would place a tax on tobacco and whisky, that would not be felt by the masses of the people at large, but would yield to this country all the revenue that would be required.

In God's own time—in the nature of things it can not be but a few years—the old soldiers will go to—

The undiscover'd country from whose bourn
No traveler returns.

Senators, I urge you to vote for this measure, and I believe as I live that a just God and a generous people will bless and advance our country's welfare.

EXECUTIVE SESSION.

Mr. McCUMBER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 30 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 12, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 11, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, inspire us with longing eyes, brave hearts, and dauntless courage to press toward the mark for the prize of the high calling of God in Christ Jesus. Wealth, fame, power, honestly attained and wisely ministered to the good of mankind, are prizes to be sought, but a God-like character outshines them all. The former things pass away; the latter is eternal.

"The stars shine over the earth,
The stars shine over the sea;
The stars look up to the mighty God,
The stars look down on me.
The stars have lived a million years,
A million years and a day;
But God and I shall love and live
When the stars have passed away."

So inspire us, so lead us to the coveted goal, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, March 9, 1912, was read and approved.

REMARKS OF HON. THERON AKIN.

Mr. AKIN of New York. Mr. Speaker, on Saturday, March 9, there was a resolution (No. 443) passed in the House asking that a committee be appointed to investigate certain remarks that I had made in a speech printed in the RECORD of March 7, in which speech it is claimed that I have transgressed the rules and offended the dignity of the Members of the House.

I wish to make request, by unanimous consent, that this speech, which appears in the CONGRESSIONAL RECORD of March 7, be eliminated entirely from the CONGRESSIONAL RECORD. After talking with some of my friends on the floor of the House, I wish to say that it seems that I have transgressed the rules of the House. I do not wish to transgress the rules or offend the dignity of this House by making remarks such as should not properly be made in debate. [Applause.]

The SPEAKER. Without objection, the remarks of the gentleman will be withdrawn from the RECORD. [After a pause.] The Chair hears none, and it is so ordered.

Mr. FOSTER of Illinois. Mr. Speaker, I ask unanimous consent that the order appointing a committee to investigate the matter referred to by the gentleman from New York [Mr. AKIN], be vacated.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the proceedings looking toward the appointment of a committee to investigate the matter referred to be vacated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PHOSPHOROUS MATCHES.

Mr. HUGHES of New Jersey, by direction of the Committee on Ways and Means, reported a bill (H. R. 20842) to provide for a tax on white phosphorous matches, and for other purposes, which was read a first and second time, and, with the accompanying report (No. 406), ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. HUGHES of New Jersey. Mr. Speaker, I ask unanimous consent that there be printed 500 additional copies of the report on this bill.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that there be printed 500 additional copies of the report on the bill H. R. 20842. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

FREE SHIP BILL.

Mr. ALEXANDER. Mr. Speaker, this morning I filed a report on the bill H. R. 16692, known as the free ship bill. I ask unanimous consent that the minority members of the Committee on the Merchant Marine and Fisheries have seven days within which to file their views.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the minority members of the Committee on the Merchant Marine and Fisheries be granted seven legislative days in which to file their views on the bill H. R. 16692, the free ship bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered (H. Rept. 405, pt. 2).

CONTINGENT EXPENSES OF THE SENATE.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations, I report Senate joint resolution 83, making appropriations to meet contingent expenses of the Senate, and I ask unanimous consent for the present consideration of the resolution in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York presents a privileged report on Senate joint resolution 83, and asks unanimous consent for the present consideration of the Senate joint resolution in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 83, H. Rept. 407) making appropriations to meet certain contingent expenses of the Senate.

Resolved, etc. That the following sums be appropriated, out of any moneys in the Treasury not otherwise appropriated, for the contingent expenses of the Senate of the United States:

For folding speeches and pamphlets, at a rate not exceeding \$1 per thousand, \$4,000;

For miscellaneous items, exclusive of labor, \$40,000;

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rates as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding \$1.25 per printed page, \$25,000.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the resolution was passed was laid on the table.

INCOME TAX.

The SPEAKER laid before the House the following communication from the governor of the State of Nevada, which, with the accompanying papers, was ordered to be printed in the RECORD:

STATE OF NEVADA, EXECUTIVE DEPARTMENT,
Carson City, March 5, 1912.

To the honorable the Speaker of the House of Representatives, Washington, D. C.

SIR: I herewith transmit certified copy of assembly joint and concurrent resolution ratifying the sixteenth amendment to the Constitution of the United States of America. (Approved Feb. 8, 1911.)

Respectfully, yours,

TASKER L. ODDIE, Governor.

Assembly joint and concurrent resolution ratifying the sixteenth amendment to the Constitution of the United States of America. (Approved Feb. 8, 1911.)

Whereas both Houses of the Sixty-first Congress of the United States of America at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

A joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely:

ART. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration. Therefore be it

Resolved by the assembly of the State of Nevada (the senate concurring), That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Nevada.

That certified copies of this preamble and joint and concurrent resolution be forwarded by the governor of this State to the President of the United States, Secretary of State of the United States, to the Presiding Officer of the United States Senate, and to the Speaker of the United States House of Representatives.

STATE OF NEVADA, Department of State, ss:

I, George Brodigan, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original copy of assembly joint and concurrent resolution ratifying the sixteenth amendment to the Constitution of the United States of America (approved Feb. 8, 1911), now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State, at my office in Carson City, Nevada, this 5th day of March, A. D. 1912.

[SEAL]

GEORGE BRODIGAN,
Secretary of State.
By GEO. W. COWING,
Deputy.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, the Agriculture appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, with Mr. BORLAND in the chair.

Mr. LAMB. Mr. Chairman, when the committee rose Saturday evening an amendment that I offered was under consideration. I have carefully gone over that, and in order to meet the objections raised by some gentlemen, and to pass an amendment that would reach, we think, the results which the committee had in view at that time, I ask unanimous consent to withdraw that amendment and offer the one which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] asks unanimous consent to withdraw the amendment which he offered on Saturday and offers a substitute for the same, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph between lines 10 and 11, page 47: "Any contract or agreement heretofore or hereafter made for the sale of timber or other forest products of the national forests may be modified by the Secretary of Agriculture as to the amount of such timber or other forest products that shall be cut or removed, and as to the time for the cutting or removal of such timber or other forest products: *Provided*, That the United States shall in all such cases be fully reimbursed for any expenses or damages incurred in connection with said contract: *Provided further*, That in no case shall the stumpage price stipulated in the contract or agreement be reduced by such modification or alteration: *And provided also*, That nothing herein shall be construed to limit the authority of the Secretary of Agriculture to modify, alter, or cancel any such contract or agreement for violation of its terms."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. LAMB. Mr. Chairman, I think if the members of the committee will examine this substitute carefully they will see at once the necessity for the legislation, and if they will turn to the CONGRESSIONAL RECORD and read the concrete cases that are referred to, but which I would not take the time to read in

full as we were hurrying through Saturday evening, they will see that this matter is important, that it is specific, as I said, and that conditions arose last year in administering the sales of forest timber that necessitated just such legislation as we seek here to perfect.

Mr. HOWARD. May I ask the gentleman from Virginia [Mr. LAMB] a question?

Mr. LAMB. Certainly.

Mr. HOWARD. Was that amendment you introduced on Saturday and that you called up a committee amendment or was that an amendment of the gentleman from Virginia on his own initiative?

Mr. LAMB. It was my amendment, suggested by conversation with the Forester and recommended by the Secretary of Agriculture.

Mr. HOWARD. I mean, did the Committee on Agriculture consider your amendment before it was introduced?

Mr. LAMB. The committee did not have any opportunity to consider it, because the question did not arise when the committee was having its hearings and making up the bill.

Mr. HOWARD. As I understand, the necessity for this arose last fall, and I notice the letters to the Secretary are dated January 18 of this year. Therefore the committee was in possession of the facts from the Department of Agriculture at the time you considered this appropriation.

Mr. LAMB. They were not. It was impossible.

Mr. HAWLEY. Will the gentleman from Virginia allow me? In reply to the question of the gentleman from Georgia [Mr. HOWARD], if the chairman will permit, I will say that I have just had a conference with the Forest Service, and they could not present this matter until the decision was rendered by the comptroller's office relative to the power of the Secretary to modify a contract by which a hardship was supposed to have been worked upon the contractor. The decision has recently been rendered by the comptroller's office that the Secretary of Agriculture was without power to modify the contract and that decision was not made until recently and therefore it was made after the committee reported the bill.

Mr. HOWARD. I think there is no more right in equity or in law to abrogate that sort of a contract than there would be between two individuals, and I think the comptroller's decision was eminently correct.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the gentleman from Virginia to the fact that the amendment which he now proposes is much more comprehensive than the one he proposed on Saturday.

Under the amendment proposed originally, upon the application of the purchaser, whenever the purchaser shall show to the satisfaction of the Secretary that, owing to conditions beyond the purchaser's control and arising subsequent to the execution of the contract, the enforcement thereof will work serious hardship or injustice to the purchaser, the Secretary could modify, cancel, or alter the contract. In this proposed amendment the department is not required to have the purchaser show to its satisfaction that because of conditions arising subsequent to the execution of the contract a hardship would be worked, but under the provisions of the pending amendment the department could increase the amount of timber which might be taken under a contract at the price fixed therein. Without reflection upon the department or the officials, I do not believe it is either wise or necessary to give the department a power that would subject it to pressure that might result in conditions which would operate very injuriously to the public service.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. Would this amendment which is now offered do any more than give to the Secretary of Agriculture power to make a change in the specifications after the contract is entered into, where he would have the power if he did that before the contract was entered into? For instance, the Secretary makes a contract for the cutting of so much timber, and afterwards concludes that there ought to be a smaller quantity cut. Of course, in the first place, he would have authority to make a contract for a smaller quantity if there seemed to be occasion for it. I think myself that he would have the authority in the contract as to subsequent contracts if he would so insert it in the specifications—authority retained in him to provide for the taking of a lesser amount than is mentioned in the contract. That is a common provision in contracts that the Government enters into.

Mr. FITZGERALD. Let me call the attention of the gentleman to the manner in which the power may be abused by officials of the Government.

Mr. MANN. There is no necessity for that. We all know that; that it may be and it sometimes is.

Mr. FITZGERALD. It is very pertinent at this time. Congress authorized and ordered the sale of the old customhouse in the city of New York. Bids were invited by public advertisement and two bids were submitted, one by the National City Bank and the other by the Farmers' Loan & Trust Co. The National City Bank having submitted an offer, I think, of about \$3,200,000, as against \$3,125,000 by the Farmers' Loan & Trust Co., the award was made to the National City Bank. But when the contract was made provisions were inserted in it that had never been called to the attention of the respective bidders by which it was provided that all of the purchase price should not be paid until the Government was ready to abandon the property, and the Government agreed to pay 4 per cent upon the purchase price as rent to its purchaser, although it retained the title itself; and it also agreed to deposit \$3,200,000, which was supposed to be paid, in the National City Bank. The result was that the National City Bank made a bookkeeping transfer of \$3,200,000 on its books, the Government retained the title, it paid the National City Bank 4 per cent on the purchase price for five or six years as rent on its own property, the property remained exempt from taxation, and eventually the National City Bank practically got the property for almost the amount that the Government had paid to it in rent. That is what can be done by distinguished gentlemen under pressure.

Mr. MANN. I never justified the action in that case. But here is a case where, as I understand it, the Government proposes to sell timber, say for mining purposes, and it makes a contract for the sale of so much timber, the timber for a mine. It turns out that there is no occasion to use the timber in the mine. The mine may be abandoned. Now the man has contracted to pay for the timber. The circumstances may be such that it would be of very little value for any other purpose. There is no occasion for requiring him to cut the timber. That is not in the interest of the Government, and why should they not have the authority to modify that?

Mr. FITZGERALD. It is easy to remedy that case. It appears that there are two instances in the operation of the Forestry Service in which it is believed that some relief, some modification of existing contracts should be made. I would not object to a provision that would authorize the modification of these contracts, but I do not believe that because these two instances can be singled out it is therefore a justification for the enactment of this provision. It might be subject to abuse in administration.

Mr. MANN. Would the gentleman doubt, as a matter of fact, that hereafter the department, in advertising for bids, might put in the specifications a provision that it was within the power of the department either to increase or decrease the quantity of the timber cut under the contract, and thereby accomplish indirectly the very purpose that is proposed to be accomplished here?

Mr. FITZGERALD. Not at all. If the department puts that statement in its advertisement, prospective bidders then have knowledge that they are bidding upon an estimate which may be decreased or increased, and they all enter fairly into the arrangement. If an advertisement is issued and bidders in good faith submit their bids on the understanding that certain things are to be done, and then a contract is awarded, and the contractors depend to some extent, at least, upon the amount of pressure or influence that can be brought for relief from undesirable conditions, it makes a very great difference.

Mr. MANN. Why would it not do to insert in this amendment a provision making it the law only for the next ensuing year, or until the end of the next fiscal year, making it purely temporary?

Mr. FITZGERALD. Mr. Chairman, I believe there is so much doubt of the advisability of either of the two provisions that I shall insist on the point of order.

Mr. LAMB. Let me make this matter so plain that every gentleman here will see it in a moment. There is no analogy between this case and the cases cited by the gentleman from New York.

Mr. FITZGERALD. I did not say there was.

Mr. LAMB. The conditions are reversed. There the United States Government is contracting to have specific work done. Here the United States is selling timber, and as to these two concrete cases here, this is just the condition: A large amount of lumber was sold to the contracting parties, to be cut within five years. The railroads to which the contracting parties had agreed to furnish this lumber gave notice that they would not need any of it for a year or more, and this contractor would have had to go on and cut this lumber at his own risk, and it

would have been a waste. What would have been the result to the seller? Why, the lumber was standing in the forest. All the loss that could possibly be sustained by the Government was the amount of ripe timber that might deteriorate in one or two years. That is the whole case. This amendment proposes to give the Secretary of Agriculture discretion in this matter. Where shall it be lodged, if not with the authorities that have charge of forestry? If you fail to pass this amendment the effect of this will be to check the sales of ripe timber in these forests. What we want to do is to dispose as speedily as possible of ripe timber in order to reduce the amount which we have to appropriate for this service. In my judgment, it is a plain proposition. I have considered it carefully and looked into it in all its bearings. I sent for the Forester this morning and asked him if this amendment would not do away with some of the objections made on Saturday to the amendment I first offered. He said he thought it would.

The Secretary of Agriculture can be trusted. Any other man who will follow him will be a man of high character who can be trusted. You have got to put faith in somebody in all these matters. It seems to me this technical objection to this amendment must fall to the ground when you consider the necessity for this legislation and the importance of it, and the value of it to the country and to the interests of the Forest Service.

I ask for a vote.

Mr. FITZGERALD. There is no technical objection being made to this amendment. The gentleman has submitted a provision on this bill, which is a request for unanimous consent. I do not believe the proposed provision is wise legislation. That is why I oppose it. It is not in the interest of the Forestry Service; it is in the interest of contractors who are trying to speculate at the expense of the Government.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. RAKER. This amendment that is submitted this morning is much different from the one submitted on Saturday, and I hope the gentleman will see his way clear to withdraw his opposition to it.

Mr. FITZGERALD. I shall not, if the gentleman is going to argue about it. I have made up my mind in respect to the matter.

Mr. RAKER. I desire to call the attention of the gentleman to several features of the bill, and particularly the matter as being administered by the Forestry Service.

Mr. FITZGERALD. Mr. Chairman, I have just the same confidence in the Forestry Service that I have in every other department of the Government, and no more.

Mr. RAKER. This amendment simply relates to where a private individual or a corporation has entered into a contract with the department, and the parties have given a bond that they will take so much timber at so much per thousand feet—

Mr. FITZGERALD. And the contract proves to be unprofitable and they want to get out of it.

Mr. RAKER. No; it is not a question of unprofitableness. It is a question of where in the mining districts men have contracted for an amount of timber which they actually need, but after they have worked the mine, it peters out, and there is no more gold to dig, and they can not proceed any further.

Mr. FITZGERALD. Is that the gentleman's understanding?

Mr. RAKER. That is the absolute fact of the case as now presented by the department.

Mr. FITZGERALD. Then, the gentleman has not read the department's letter, because the most important case is one where the Big Horn Timber Co. had made a contract to cut 100,000,000 in five years for the purpose of supplying railroad ties to the Burlington Railroad.

Mr. RAKER. I have not only read the letter, but have also made it my business to see the Chief Forester and the man who sells the timber for the Government, who acts as the agent for the department. They deem it necessary to have this timber cut down simply because the company has a contract. Is it not right and proper that the man should be given an extension of time? Suppose he is given an extension of time; that will relieve him. If he is given an extension of time for a year or six months, the financial situation may change and the business may be so conducted that he will be able to go on, if the department is permitted to give him that extension.

Mr. FITZGERALD. And we had better appoint a guardian for him when he is making contracts.

Mr. RAKER. That might apply to every other man on earth in making contracts. We all make contracts with the expectation of carrying them out.

Mr. FITZGERALD. And making money out of them.

Mr. RAKER. Not necessarily. Of course, every man in business expects to make money, or he would not go into it. If

the Government has made this kind of a contract, why should it not be permitted to treat the man with whom it has contracted fairly; and if his financial position has changed and his mind has changed ought not the Government to treat him so that he would not cut down the forests simply because he has a contract? It would be to the interest of the Forestry Service.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman from New York be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ESTOPINAL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. I yield to the gentleman from Illinois.

Mr. MANN. Would the gentleman from New York [Mr. FITZGERALD] be willing to let an amendment come in providing that any contract or agreement heretofore made, and so forth, may be modified by reducing the amount of timber or other forest products to be cut, or extending the time for the cutting or the removal of the timber, and so forth, so as to make it apply only to contracts heretofore made, and only authorizing the amount of timber to be cut or an extension of the time within which to cut it as to those contracts already made?

Mr. FITZGERALD. Those are two limitations that should be incorporated in any provision that is offered, but I doubt the advisability of attempting to perfect such important legislation in this way on this bill at this time. I have no objection to passing it over in the hope that some arrangement may be reached which will take care of existing contracts, but I do not believe that it is wise with the information we have, and knowing the effect of this character of legislation, to hastily adopt such an important provision.

Mr. MANN. Mr. Chairman, I will say to the gentleman from Virginia that as far as future contracts are concerned, where they advertise for bids, it is perfectly feasible to put a provision in the contract and in the specifications authorizing the Secretary to reduce the amount or to increase the amount, for that matter.

Mr. FITZGERALD. I think that is true.

Mr. MANN. So what he wants to accomplish is simply to provide a method of removing onerous provisions in existing contracts, if that could be done.

Mr. FITZGERALD. How many more are there besides the two referred to?

Mr. MANN. I do not know. I have asked the Forester about this since Saturday, and he said that there were some contracts with mining companies and miners; but I do not know how many.

Mr. LAMB. I can not answer. I do not know how many, but there are a good many, I understand.

Mr. MANN. And if some provision was not put in the law at all it would result in the cutting of timber that would go to waste practically.

Mr. LAMB. Mr. Chairman, is the point of order made against this?

The CHAIRMAN. The point of order is reserved.

Mr. LAMB. Mr. Chairman, I ask that we pass this paragraph without prejudice now.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the committee pass without prejudice the amendment offered by the gentleman from Virginia. Is there objection. [After a pause.] The Chair hears none.

Mr. MARTIN of Colorado. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out line 10, on page 47, and insert the following: "387,500."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SCULLY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Coggeshall, one of its clerks, announced that the Senate

had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 19.

Resolved by the Senate (the House of Representatives concurring), That preliminary to such legislation by Congress as may be necessary to enable the Government of the United States to be properly represented on such occasion the Secretary of War be, and he is hereby, authorized and directed to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission of the State of Pennsylvania, and,

First. To cause to be made such surveys, measurements, and estimates as will be necessary in regard to providing for a sufficient supply of good water for the use of those who shall attend the celebration.

Second. To investigate as to the necessary and proper provision required to be made for sewerage, sanitation, hospital, and policing during such celebration.

Third. To estimate upon the tents, camp equipment, supplies, and rations that, in his judgment, will be necessary to properly accommodate and provide for those who shall attend such commemoration, and to estimate what provision will be necessary to be made for local transportation and care of those who may or probably will participate in such celebration, and to give an estimate of the cost, separately stated, of the several provisions necessary to be made.

Fourth. To estimate the quantity of camp equipment, such as tents, bedding, and cooking outfits, necessary to accommodate the people attending, together with the cost per unit of a suitable ration to be issued and as to the best method of providing and issuing such rations.

Fifth. To prepare a plan of camp arrangement suitable to the occasion.

Sixth. To report to Congress upon all of these matters within 30 days after the passage of this resolution.

The message also announced that the Senate had passed without amendment resolutions of the following titles:

House concurrent resolution 28.

Resolved by the House of Representatives (the Senate concurring), That there be printed, for the use of the House of Representatives 30,000 copies of the report, with accompanying bill, of the National Monetary Commission, to be delivered to the superintendent of the folding room of the House of Representatives for distribution.

House concurrent resolution 40.

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies of Senate document No. 190, "Fertilizer resources of the United States," message from the President of the United States, December 18, 1911, for the use of the House.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

Mr. MANN. Mr. Speaker, I call attention to the fact that an amendment is already pending to that paragraph, and the paragraph by agreement has gone over until we read line 7, page 48.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Not to exceed 15 per cent of the total of all sums appropriated under "General expenses, Forest Service," may be used, in the discretion of the Secretary of Agriculture as provided above, for all expenses necessary for the general administration of the Forest Service.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the paragraph. Why is it necessary longer to have this paragraph which practically makes a lump appropriation of the whole service?

Mr. LAMB. This was only an addition of the amount paid to employees on the statutory roll.

Mr. FITZGERALD. I refer to the provision above, at the top of the page—the interchangeable item.

Mr. LAMB. That is a margin held over each year for the purpose of apportionment, so that they will not go beyond the amounts appropriated for each item here named.

Mr. FITZGERALD. This permits the increase of any single item of appropriation in the bill by transfer under this item and absolutely destroys the value of making specific appropriations in the bill.

Mr. LAMB. Does the gentleman object to it because—

Mr. FITZGERALD. I am calling the gentleman's attention to the fact that it makes possible the increase in these specific appropriations beyond the amount which the gentleman reports.

Mr. LAMB. No.

Mr. FITZGERALD. Then, what does it do?

Mr. MANN. It is an arrangement that they have down there of apportioning this amount and reserving 15 per cent for a certain time and afterwards making up the rest of it. It is a great, big work.

Mr. FITZGERALD. And it absolutely nullifies the provisions of the ante deficiency act, under which they are required to apportion these appropriations so as to avoid deficiencies.

Mr. LAMB. I will say that it has been incorporated in this bill for four or five years.

Mr. FITZGERALD. I know that; but perhaps it should come out, because it is bad administration. I would have called attention to it if I had had opportunity to examine the bill earlier, but I could not do so, because I was doing other work.

Mr. LAMB. Have we been making mistakes right along in leaving this paragraph as it is?

Mr. FITZGERALD. I have not noticed the other items.

Mr. LAMB. I mean this one to which you object.

Mr. FITZGERALD. I think, if the gentleman will permit me, that it is a mistake. The gentleman's committee deter-

mines that a specific sum be appropriated for a specified service. Under the antideficiency act the department is compelled to so apportion that appropriation as to prevent a deficiency. This item makes all the appropriations liquid, so that any item can be increased 15 per cent. Instead of having available what Congress contemplates in these appropriations, they can be increased by the use of this floating fund.

Mr. LAMB. Our attention had not been called to it, and I supposed, in looking over the bill when we were making it up, that it just gave a leeway of 15 per cent to these people in apportioning the amounts we gave them.

Mr. FITZGERALD. It was put in here, if the gentleman will recall, at the beginning of the institution of the Forest Service.

Mr. BURLESON. At the beginning of the breaking up of the lump sum for the Forest Service.

Mr. LEVER. At the beginning of the breaking up of the lump sum for that service. That system has only run three years at the most, and it is absolutely necessary to give the administrative officer some leeway by which to administer these forests. For instance, I might cite to the gentleman this example: On a given unit of the national forests this year the expense of administration may be \$10,000, but next year there comes in a lumber company or a grazing concern, which requires, perhaps, a transfer of some officer, some ranger, or somebody else, to that forest in order to do the business of that forest. The work may increase.

Now, then, unless you have some leeway by which you can take from these general expenses a small amount, as limited in the bill here, that forest unit would be absolutely tied up. It is absolutely necessary to have this leeway in dealing with these great forests, 159 of them, in order that the service may be administered economically and efficiently; and this proviso was put in the bill for that very purpose and the purpose of good administration.

Mr. FITZGERALD. Any item where appropriations are made for experiments coming under the general expenses can be increased in this way.

Mr. LEVER. Undoubtedly; but it may be necessary even in a case of that kind that the appropriation shall be increased somewhat.

Mr. FITZGERALD. Oh, no. If Congress determines a specific sum should be expended in one year, for instance, for experiment and investigation of range conditions within national forests and the method of improving the ranges, and so forth, I do not believe that it is necessary or advisable that the department should have the authority, if it so desires, to increase the amount to be so expended by 15 per cent over the appropriation.

Mr. LEVER. The gentleman from New York fails to make this distinction between the Agricultural appropriation bill and other appropriation bills which come to the consideration of the House. You know how many regiments of soldiers you are appropriating for in the Army appropriation bill. You know what each soldier costs. You know what the total expense is going to be; but with reference to a department whose work is absolutely scientific and in a great many cases, as in the case of the Forester here, where a lot of emergencies arise from time to time, it is absolutely necessary, in the interests of good administration, in the interests of economy, that there be some small leeway by which the administrative officer may take care of these things as they arise from time to time. Now, as to other bureaus in this service, this item reads 10 per cent instead of 15 per cent.

Mr. FITZGERALD. I do not believe the gentleman's argument is conclusive. I believe that these scientific investigations can be conducted within the amounts fixed by Congress for a specific year—that is, an investigation up to the amount allowed. A large part of appropriations are expended for salaries—compensation of employees—and there is no reason why Congress should not determine for that department, as it does for every other department of the Government, just to what extent this work shall be carried on.

Mr. LEVER. The gentleman will recognize this fact—that the Forestry Service can not spend a dollar more than the amount of the total appropriation made for it in this bill, so that the gentleman's argument is really whether or not the Forest Service shall or shall not have the right to make these little transfers from one item to the other. It does not go to the total appropriation carried.

Mr. FITZGERALD. The gentleman seems to believe that the Forestry Service is under an obligation to spend all of the money that is appropriated to that service for every purpose.

Mr. LEVER. Not at all.

Mr. LAMB. They turn back to the Treasury what is expended.

Mr. FITZGERALD. Well, I am of opinion that the sum appropriated for a specific year for the service is the sum to which the department should be restricted, unless there is some reason for giving them another sum. Otherwise, what is the value of considering, or what is the use of wasting our time arguing as to whether the department shall spend one sum or another sum for a specific purpose, if at the end of the bill we destroy the effect of former provisions by such a provision as this?

Mr. FERGUSSON. Mr. Chairman, will the gentleman permit me one word?

Mr. FITZGERALD. Certainly.

Mr. FERGUSSON. Mr. Chairman, I want to call attention to what I think is an inadequate appropriation for the prevention of forest fires.

Mr. LAMB. We have not reached that provision yet.

Mr. FERGUSSON. I mention that merely for illustration upon this point, that it is absolutely necessary to have an emergency clause in the bill, especially with reference to forest fires. We have dry times in New Mexico, even in the forest regions, where for 12 months at a time there will not be a drop of rain. The dead timber and the fallen timber and the leaves and the bushes become absolutely dry. Not only that, but as the country is settling up there are many farms and farmers who have their houses and barns and haystacks in the region where a forest fire may occur. Another thing is that there is a great amount of travel in New Mexico from the fact that the settled sections of the State are scattered far and wide, and it is necessary for those who travel to camp out, and there is danger of fire on that account. It is necessary, therefore, for the department to have some leeway, certainly as to the appropriation with reference to forest fires, because if the dry season comes it may be a matter almost of life and death; not only is there danger of the destruction of the farmhouses and haystacks, but of the life of the people, the wives and children of the settlers. The whole forest is often but a dry tinder box of timber and dry leaves, which have not had a drop of water for a year. In other words, emergencies will arise when the department ought to be able to spend money freely in connection with forest fires.

Mr. HAWLEY. Mr. Chairman, will the gentleman from New York yield?

Mr. FITZGERALD. Certainly.

Mr. HAWLEY. As I recall the explanations made to the committee concerning this transfer of 15 per cent of the money herein appropriated, it was not intended that such transfer should be made to the items for investigations or experimental work or operations of that kind, but simply to meet unexpected emergencies arising in the administration of the forests. No one can tell whether you can administer a forest in any given year for the same amount of money as was required for its administration in a previous year. The probabilities are that you can do so under ordinary conditions, but fires may occur, mines may be developed, stockmen may come in there to graze their stock, or other unexpected conditions may arise that will require an additional sum of money for the care of that forest.

This provision was put in the bill so that when an unexpected emergency arises for which no provision has been made it can be dealt with through the use of a certain amount of money transferred from another item or other items. There would be no way in which to meet such emergencies unless this provision be inserted. It is not to be used for field equipment or experimental work or anything of that kind, but simply for the administration and protection of the forests.

Mr. RAKER. Mr. Chairman, may I ask the gentleman if this is the same provision that has been in the bill in previous years?

Mr. HAWLEY. Yes; for several years.

Mr. RAKER. Has it worked to the detriment of the forests?

Mr. HAWLEY. No; not to the detriment of the forests, but to their benefit.

Mr. RAKER. Has not this been really of great benefit in the administration of the forests?

Mr. HAWLEY. Yes.

Mr. LAMB. That is what we claim.

Mr. FITZGERALD. If the gentleman believes that this is to be used only in the administration of the forests themselves, I will not object. I think it should be modified so as to restrict it to that particular use. I will withdraw my point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] withdraws the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question concerning the language of the paragraph, where it reads, on page 48, line 3, "may be used in the discretion of the Secretary of Agriculture as provided above," and so forth. The words "as provided

above" are intended to refer to the appropriation, but apparently they would refer to the discretion, and there is no discretion provided above.

Mr. LAMB. That point is well taken.

Mr. MANN. I think those words, "as provided above," should be stricken out and what is in the current law inserted, "under general expenses, Forest Service."

Mr. LAMB. We are obliged to the gentleman. He can make the suggestion and we will agree to it. I can see the force of that at once.

Mr. MANN. Then, Mr. Chairman, I withdraw the pro forma amendment and move to amend by inserting, after the word "above," in line 4, page 48, the words "under general expenses, Forest Service."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 4, page 48, by inserting after word "above" the words "under general expenses, Forest Service."

Mr. LAMB. We accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Total for Forest Service, \$5,115,245.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the Clerk may again report the paragraph that was passed over and also the pending amendment.

The CHAIRMAN. Without objection, the Clerk will again report the paragraph and the pending amendment.

The Clerk read as follows:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, \$275,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend by striking out the words "two hundred and seventy-five" and inserting the words "five hundred."

Mr. MANN. Mr. Chairman, the current law carries \$500,000 under this item for the construction and maintenance of roads, trails, and so forth, in the national forests. Of course, if we can get along with \$275,000 next year, we could get along without appropriating any money except for the mere maintenance of roads there. But we have a large number of national forests, many of which would be sought and visited by the people of the country for the scenic effects afforded, as well as for other purposes of pleasure. We spend every year from our country hundreds of millions of dollars by people going to Europe, a good many of whom would spend their vacations at home visiting our national forests if there were opportunity for them to enjoy themselves in those forests.

In addition to that, we need constantly to increase the construction of fire lanes for fire protection of the forests. The greatest difficulty in the country in the raising and conservation of forests is in affording protection from fire, and the construction of these fire lanes is probably the only method by which fires can be successfully stopped without enormous expense. I do not think the National Treasury is in such a low condition that we ought to decrease the appropriation for this purpose. If I had my way about it I would increase it. The national forests are of great value. We propose to protect them from fire, in the first place, and then we ought to encourage their use by people taking their vacations in our country at home instead of spending their money abroad; and for either reason, for the protection of the forests from fire, and in order to make them accessible and enjoyable by people who use them, we ought to spend not a decreasing sum, but we should appropriate an increasing sum each year.

The amendment which I have offered simply proposes to keep the same standard for the ensuing year that we established for the current fiscal year, and to appropriate a half million dollars for the improvement and protection of forests that are worth hundreds of millions of dollars to the country.

Mr. LAMB. Mr. Chairman, the committee carefully considered all this. It is true that the current law carries \$500,000, and it is likewise true that this \$500,000 will run up to the 30th of June of this year. The year before the same people, shouldering the responsibility, with all the reasons that have been given and may be given on this subject, appropriated the sum of \$275,000, the same that we appropriate in this bill, for this work. Possibly it was increased abnormally in the last session of Congress. There were some on that committee then who

said, "Why increase this item so much?" You know how enthusiastic these foresters are. You know as well as I do how these items for forests have increased abnormally in the last few years until the appropriation has run up to such an amount that we hear criticism against it every year. We concluded that to go back to the appropriation of year before last—\$275,000—for this work would give these people sufficient money to make these trails and paths through these forests. I do not believe you are going to stop the going to Europe of these pleasure seekers and hunters and turn them into our forests. My friend Mr. MANN usually makes fine arguments. He has made a fine one here, but I doubt whether the pleasure seekers he refers to will go into the forests.

Mr. MANN. Will the gentleman yield? For myself, I never have been in Europe, but I have traveled a good deal in places where I wished to goodness there were better facilities, both in the way of trails and roads, in our own country. I expect to continue that habit, if I have the opportunity.

Mr. LAMB. I hope the gentleman will enjoy himself in Europe, and after the 4th of next March perhaps he will have more opportunity to go to Europe than he has had in the last few years. [Laughter.]

Mr. MANN. I hope the gentleman does not wish for that.

Mr. LAMB. Now, Mr. Chairman, seriously, we think that \$275,000, with the \$500,000 they already have, will meet the necessities of this situation. We have reduced the employees by some 60 or 70. We have only reduced this in proportion to other items of reduction. I do not think anybody is going to suffer by reason of the fact that we curtailed these expenditures where we could in the Forest Service. If I thought there would be any more danger of fire by reason of not supplying the difference between \$275,000 and \$500,000, I would cheerfully accede to the amendment. But we can only judge the future by the past, and under this \$275,000 appropriation the year before last we did not have as many fires as we did under the appropriation of \$500,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. I have never asked for any extension yet, and have tried to compress all I had to say into five minutes. Nor will I ask an extension now, and so far as I am concerned will rest the case right here.

Mr. MORSE of Wisconsin. Mr. Chairman, I call the attention of the Committee of the Whole to the fact that nearly one-half of the appropriation of \$500,000 which we put in this bill last year for this purpose has been cut out. This was for roads, trails, and telephone lines, which are needed to call and get men quickly to fight fires. Of the emergency fund of \$1,000,000 only \$200,000 remain. These cuts are made in the face of the record of 1910, in which 79 fighters and 25 settlers were burned to death in the national forests, because we did not have these trails that we are now trying to appropriate for, and \$12,000,000 worth of timber was destroyed. This cut was made in the face of the recommendation of Mr. Graves, the Forester, who is directly responsible to the people for the protection of \$2,000,000,000 worth of public property in the national forests, and in the face of full knowledge that as the result of insufficient appropriations the national forests are in great danger of even worse fires. The protection of public property and the lives of settlers and their wives and children, as well as of public servants within the national forests, lies very close to the public welfare. It seems to me that in the face of the fire losses that we had, in the face of the fact that these trails and telephone lines are the very first things that are needed, it is mighty poor economy at this time to cut down the appropriation.

It is time for Congress to face the facts. Before the national forests can be made reasonably safe against fire they must have ten times the present trails and six times the telephone lines now built. It has taken six years for Congress to appropriate enough money to build this small part of what is urgently needed. The standing timber alone in our national forests is worth not less than \$500,000,000. In 20 years it will probably be worth over \$1,000,000,000. If Congress gave the Forest Service the \$500,000 a year it asks for to build trails and telephone lines, it would give only one-tenth of 1 per cent of the value of timber standing to-day in the national forests. You can cut down any other appropriation in this bill and not hurt it half as much as you are hurting it when you cut down this particular appropriation.

Mr. LAMB. Mr. Chairman, my friend is discussing a paragraph that is not under consideration, the \$1,000,000 emergency fund.

Mr. MORSE of Wisconsin. Pardon me. I am discussing that in connection with this. You are cutting down this appropriation from \$500,000 to \$275,000, and you are also cutting down the \$1,000,000 emergency appropriation to \$200,000. You under-

stand that the Forest Service is asking for this \$500,000 to build trails and telephone lines, and it would amount to less than one-tenth of 1 per cent of the value of the timber standing to-day in the national forests. This is a fire-insurance policy which is costing only one-tenth of 1 per cent, if you give all the Forester asks, namely, \$500,000.

The \$1,000,000 asked for actual fire fighting and cut by the Agricultural Committee to one-fifth that amount, is simply a fund made available for the use of the Forest Service in times of grave emergency. It may be less necessary than the money required to build roads and bridges, telephone lines, and trails. Unless the fires occur, this money would be neither needed nor spent. But should the need arise there could be no more criminal extravagance than not to spend it. It cost \$900,000 beyond the appropriation of the service to fight the great fires of 1910. If this money had not been spent, these fires would probably have wiped out the bulk of the forests of northern Idaho, Montana, and western Washington.

Fires have already broken out on national forests in the Southwest as the result of the exceptionally light precipitation this winter. It would be hardly less unpatriotic and unwise to withhold money to equip troops against an invading army than to refuse the appropriation needed to fight these fires and prevent the greater fires which may easily follow.

The National Conservation Association is fighting to get these cuts restored. I urge every friend of the national forests to help secure adequate provision for protecting this great public property.

It is time for Congress to face the facts. Before the national forests can be made reasonably safe against fire they must have 10 times the present trails and 6 times the telephone lines now built. It has taken six years for Congress to appropriate enough money to build this small part of what is urgently needed. The standing timber alone on national forests is worth not less than \$500,000,000. In 20 years it will probably be worth well over \$1,000,000,000. If Congress gave the Forest Service the \$500,000 a year it asks for to build trails and telephone lines, it would give only one-tenth of 1 per cent of the value of timber standing to-day in the national forests.

The preservation of this standing timber controls the preservation of stream flow, whose value is many times that of all the wood which the national forests contain. The value of the range in national forests, which, again, is largely dependent upon forest preservation, is incalculable. The fees for grazing alone bring into the Public Treasury every year twice the appropriation asked for trails and telephone lines. Without these improvements the forests can not be made safe, even with 10 times the present patrol.

Mr. WILLIS. Will the gentleman yield?

Mr. MORSE of Wisconsin. With pleasure.

Mr. WILLIS. I call the attention of the gentleman to the statement made in this connection by the Forester, in which he says that to carry out the plan of trails and telephone lines and lookout stations, even with the appropriation of \$500,000 a year that is asked for, it will take 15 years to complete the system, and if this is cut down it will take vastly longer.

Mr. MORSE of Wisconsin. If it is cut down to \$275,000, as proposed in this bill, it practically means that we will never be able to complete that work. Fires have already broken out in the Southwest just recently as the result of lack of rain.

Every man who is familiar with the situation, every man who is a friend of the forests, is anxious to see these appropriations restored. It is poor economy, gentlemen, mighty poor economy, to cut at this particular point. It would be like preventing appropriations for building roads to get into your farms; it would be like piling the alleys full of dry-goods boxes, so that the fire fighters could not get to the building when the fire broke out. This is an absolutely necessary appropriation, and it is the height of extravagance to refuse to restore the amount asked for in this bill.

Mr. HAYDEN. Mr. Chairman, owing to the long and unnecessary delay in the admission of the State of Arizona, I was not a Member of this House at the time this bill was reported, and I had not an opportunity to appear before the Committee on Agriculture when this item was under discussion. I want to read from a letter which I received recently from Mr. Graves, the Forester, concerning this item in the bill. He says:

The appropriation bill for the current year carries \$500,000 for improvement work. This fund is for the construction of trails, fire lines, telephone lines, ranger cabins, bridges, roads, and other permanent improvements. The money is being mainly expended for the construction of such improvements as are needed for the prevention of forest fires. The national forests are still without adequate means of transportation and communication, and this is the greatest difficulty in fire prevention. At the present rate of expenditures it will take fully 15 years to complete the primary system of roads, trails, and other improvements necessary for fire prevention. A curtailment of this work is therefore exceedingly serious in the development of the national forests.

Let me also read from the hearings:

The CHAIRMAN. The next item is:

"For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other permanent improvements necessary for the proper and economical administration, protection, and development of the national forests, \$500,000."

What do you say, inasmuch as that was increased so much last year, to giving you \$300,000 this year?

Mr. GRAVES. That will be a question of consideration of public policy, of how rapidly it is desired to extend the work of the permanent improvements which are necessary to put the forests in shape for protection. In this connection I would like to call the attention of the committee to the fact that the forests are still very inaccessible; that there are vast areas we can not get into for proper patrol or to transport men; and until we do make them accessible there is always going to be the chance for fires starting at a remote point and getting such a start that before we get to them they are almost beyond control.

I ask you to note that the present amount carried in the bill is \$275,000, being \$25,000 less than the amount suggested by the chairman at the hearings.

As I understand it, Mr. Chairman, the primary purpose of the Forest Service is fire protection. If the forests burn, there will be no timber to sell, the regular flow of the streams will be diminished, and the value of the reserves for grazing purposes will also be cut down. The secondary purpose of the Forest Service is to make the resources of the forest available for use, such as the sale of timber, the granting of grazing permits, and the disposal of water power, and a great variety of other special uses. We may honestly disagree about the methods used by the Forest Service in carrying out its secondary purpose. We have heard on the floor of this House in the discussion of this bill complaints about the manner in which contracts are let for the sale of timber, complaints of favoritism in the granting of grazing permits, and we have also heard the complaints made by gentlemen that the development of the West is being retarded by unnecessary restrictions on the use of water power, and many of us perhaps have been provoked by the petty acts of some department official who seems to think that the regulations of the Forest Service are superior to the acts of Congress, and who, swollen by a little brief authority, attempts to make a record by harassing the settler. But I do believe that there is one thing upon which the whole American people are agreed, and that is that the remaining forests of the United States should be protected from the needless and preventable waste caused by the ravages of fire. I insist that it is false economy to make any reduction in the present appropriation. It is in the nature of an insurance of a great national asset, the value of which runs into millions of dollars, and aside from that in many places it means the protection of human life. When you reduce this appropriation you are cutting at the very heart of the conservation idea. I sincerely hope that this amendment will prevail. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, I am very glad indeed for once to find myself in entire accord with the gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. MORSE] on a proposition touching the forest reserves. It is my opinion—and I do not care to take up the time of the House unnecessarily—it is my opinion, based on actual knowledge of conditions, based upon the fact that I live in a State which, as I have stated repeatedly, is about one-fourth in forest reserves, that this item is the most profitable and beneficial item of expenditure in the entire bill, with the possible exception of the expenditures for fire service. Now, what does this mean? It means that out of an expenditure of more than \$5,000,000 in this bill you propose to expend only \$150,000 to protect the reserves from fire and only \$275,000 for the construction and maintenance of roads, trails, bridges, fire lanes, telephone wires, and all the agencies for administering and protecting the forests.

Mr. Chairman, the gentleman from Wisconsin [Mr. MORSE] truly stated that the Forest Service is very anxious to secure in this bill the same amount carried in this last appropriation bill for this specific purpose, to wit, \$500,000; but it is not only the Forest Service which is anxious to preserve without diminution the amount of that appropriation. This is the sole item upon which I have been addressed by my constituents—the securing of appropriations to build and improve roads and trails through the forest reserves. This is due to the fact that we have towns surrounded by these reserves which have no means of egress and ingress except through the national forests, and that we have communities separated from each other by the reserves.

In this connection I want to say that I base my support of this proposition upon a ground not thus far mentioned by gentlemen supporting the amendment, a ground, perhaps, which does not meet with approval by some gentlemen who are supporting it, and that is this:

If you are going to hold these lands out of local taxation, so that we can not locally tax them for the purpose of building

roads, bridges, and other improvements mentioned in the paragraph, then vote the Forest Service the money wherewith to make these improvements. We have got to have them. We need them in our communities. We need roads and bridges in the forest-reserve States just as badly as you need them in other States, and if you are going to deny us the only means whereby you can build roads and bridges in the other States, to wit, the taxation of the real property, then I say in all fairness you ought to appropriate the necessary amount, and Heaven knows even \$500,000 would be a very small amount to expend annually to build roads and bridges upon 200,000,000 acres of land, an area five or six times as large as all the New England States combined.

Mr. WILLIS. And especially when it would take 15 years to complete the plan.

Mr. MARTIN of Colorado. I have here a number of letters and petitions upon this subject, and I have a number of communications and petitions from commercial bodies, who are not asking the Federal Government to bear all this expense, but who only ask the Government to meet them half way and contribute half the amount of building or improving a road or trail, so as to connect these different communities. We know that no more necessary and beneficial expenditure can be made, and it is the principal thing that does not all go into salaries, clerk hire, and administrative expenditures generally.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. Under leave to extend my remarks in the RECORD, I shall attach the communications and petitions which I have referred to, showing the strong demand for road work in localities affected by the national forests:

THE ARKANSAS, RIO GRANDE, GUNNISON &
GRAND RIVER HIGHWAY ASSOCIATION,
December 15, 1911.

Hon. JOHN MARTIN,
House of Representatives, Washington, D. C.

DEAR SIR: The inclosed resolutions are self-explanatory.

We believe that the concerted action of the Colorado delegation can secure for us a liberal appropriation for the improvement of the three passes indicated in the resolution.

The counties constituting the New Santa Fe Trail, Rainbow Route, and Holy Cross Way are manfully under the burden of constructing and maintaining such routes as will constitute first-class transcontinental highways across the State. The commissioners of each of the counties named have made extra levies for these purposes, and if the Forestry Department will assist in improving the routes as indicated it will be of the utmost benefit to the service, to say nothing of the help to the State of Colorado.

Yours, truly,

CHAS. R. McLAIN, President.

SALIDA, COLO., November 14, 1911.

Be it resolved by the Arkansas, Rio Grande, Gunnison & Grand River Highway Association, That the United States Forestry Bureau be requested to spend on the roads over each of Tennessee, Monarch, and Cochetopa Passes and the approaches thereto the sum of \$15,000, same to be spent through their local forestry officials; be it further

Resolved, That our Senator and Representatives in Congress be requested to use all honorable means to accomplish this result; be it

Resolved, That the secretary of this association be required to furnish the United States Forestry Bureau and to our Senator and Representatives in Congress copies of this resolution.

Attest:

CHAS. R. McLAIN, President.

ASPEN, COLO., January 31, 1912.

Hon. JOHN A. MARTIN,
National Capitol, Washington, D. C.

DEAR SIR: At a meeting of the Pitkin County Good Roads Association, held in Aspen on last evening, a resolution was unanimously adopted asking for your assistance in securing an appropriation to assist in building a road through the forest reserve from Twin Lakes to Aspen, and in which this community is vitally interested.

I am inclosing a copy of the resolutions and ask that you will give it your earnest and serious consideration.

Yours, very truly,

T. S. HAWLEY,
Chairman pro tempore.

ASPEN, COLO., January 30, 1912.

Inasmuch as the highway across Independence Pass, from Twin Lakes to Aspen, supported by this association, lies wholly within the Mount Sopris National Forest Reserve, and has been officially declared to be a primary State road, and when built will form a link in one of the proposed transcontinental routes across the State of Colorado; and further,

As such road will furnish to the forest reserve an economical and ready way for the hauling of timber from the bordering mountains to the mining camps of Aspen, Leadville, and intermediate points, where now no timber is cut or transported on account of its inaccessibility; and as such road will give ready access for fire protection; and as

The Government, for these various reasons, will receive an equal benefit in having the same constructed, and as it appears to us that the cost of construction, approximating \$60,000, is more than can be borne by the local interests to be benefited in part by this road: Now therefore be it

Resolved, That our Senator, the Hon. SIMON GUGGENHEIM, and our Representatives, the Hon. EDWARD T. TAYLOR, the Hon. JOHN A. MARTIN, and the Hon. A. W. RUCKER, be requested to use every effort to secure an appropriation from Congress of not less than \$15,000 to be used in aiding the construction of this highway from Twin Lakes to Aspen over Independence Pass and across the forest reserve.

E. W. CLARK.
H. R. KOBEY.
A. J. O. LOF.
JOHN McLAREN.
J. W. DEANE.

DURANGO, COLO., January 22, 1912.

Hon. JOHN A. MARTIN, M. C.,
Washington, D. C.

SIR: Inclosed herewith we beg to hand you a copy signed by the committee only of a petition by the mining men of La Plata County addressed to Senator GUGGENHEIM, asking that efforts be put forth to secure a Federal appropriation for the building of a wagon road through the Durango National Forest in this county to the La Plata Mountains, and on behalf of ourselves and all others interested in the La Plata Mountains we ask your cooperation in this effort.

The La Plata Mountain district is a long-neglected mineral empire. Ores of immense richness have recently been discovered in them. They are now being closely watched and investigated by the mining and investing public. The values are there, as has been proven. We had a road into them, but it was destroyed. They are now nearly inaccessible. We need this road, and need it badly; our county is financially unable to build it. Our opportunity for presenting to the world a great and undeveloped mineral empire is present, but we can not take advantage of it without this road. Federal assistance is our only hope.

We sincerely trust and ask that you will exercise your best efforts to secure this appropriation, and we will be pleased to promptly furnish you any information and data you may desire.

Respectfully, yours,

W. W. PARSHALL.
A. D. LEINER.
DANIEL J. KELLY.
J. J. GORMAN.
BENJ. B. RUSSELL.

COLLEBRAN, COLO., March 6, 1912.

Hon. J. A. MARTIN,
House of Representatives, Washington, D. C.

DEAR SIR: At a mass meeting of the citizens of the Plateau Valley, held at the Georgia Mesa schoolhouse on Saturday, March 2, the inclosed resolutions were unanimously adopted, and I was directed to send copy of same to you with the request that you give the subject matter your careful attention. At this same meeting, which was attended by about 50 of the property holders of the valley, it was decided to at once commence the construction of a wagon road up Cottonwood Creek, from a point at Molina, where same will connect with the county road to Grand Junction, to the boundary of the Battlement Mesa Forest on Cottonwood Creek.

It was the unanimous feeling at this meeting that the Forest Service should undertake the construction of a road from the boundary of the reserve at least as far as Cottonwood Lakes. The people of this valley are stocking all of these lakes with fish, and this locality is the pleasure ground for all the citizens of the Grand Valley. At the present time there are no roads entering the Grand Mesa, except very primitive trails. The construction of a first-class road, suitable for all kinds of vehicles, including automobiles, is of the greatest importance to the people of this section, and we feel that the Forest Service should do its share in the construction of this road. We understand that funds are likely to be short, but if the Forest Service could be provided with \$5,000 for expenditure this year on this project, it would enable them to at least carry the road to a point where people could reach the lakes, and it could be extended later.

Mr. Arthur C. Johnson, of Washington, is appointed a committee to represent our interests in this matter, and we would be glad to have you consult with him in regard thereto.

Very truly, yours,

J. F. SHULTS,
Secretary, Colibran, Colo.

Whereas the people of Mesa County, Colo., are engaged upon the construction of a first-class wagon road up Plateau Creek, a tributary of the Grand River, and it is proposed to extend the said road up Cottonwood Creek to the boundary of the Battlement Mesa Forest; and Whereas it is the desire of the citizens of said county to have the said road extended to the Cottonwood Lakes and across the Grand Mesa in said forest reserve, to a point where it will connect with a wagon road to Delta, on the south side of said mesa; and

Whereas the construction of this road will be of the greatest importance and convenience for the people of the Plateau Valley, as well as to the people of the said Mesa County and Delta County, as it will provide a means of communication between the Plateau Valley and the Gunnison River Valley, where now a detour of more than 100 miles is necessary, and will also enable the citizens of these counties to reach the pleasure grounds and fishing around the Cottonwood Lakes on said reserve: Therefore be it

Resolved, by the citizens of the Plateau Valley, in mass meeting assembled at the Georgia Mesa Schoolhouse on this Saturday, March 2, 1912, That we do respectfully urge our Senator and Representatives in Congress to take such action as will result in the Forest Service constructing a wagon road on Cottonwood Creek, in the Battlement Mesa Forest Reserve, to connect with the road now being constructed by the people of Mesa County, and that the said road be extended as far as Cottonwood Lakes at the earliest possible moment, and later be extended to the south side of the said Grand Mesa to a connection with some Delta County road.

Resolved, That the secretary of this meeting be instructed to send a copy of these resolutions to the Hon. SIMON GUGGENHEIM, Hon. E. T. TAYLOR, Hon. JOHN A. MARTIN, and Hon. A. W. RUCKER with a request that the matter be given their earnest attention.

THE BUENA VISTA BOARD OF TRADE,
Buena Vista, Colo., October 17, 1911.

Hon. JOHN A. MARTIN, Pueblo, Colo.

MY DEAR MARTIN: We of Colorado have a great time learning how to make roads. Would it not be possible, through you and Mr. TAYLOR, to get the Government interested enough to build a strip of road, say 3 miles, to connect us with Taylor Park, where the Government is planning to build a large reservoir?

Buena Vista strongly desires to be the base of supplies for this enterprise, and to show our good faith we are now putting the road in good shape to the top of the range, but we want help to reconstruct the road down the other side. I understand the Government in some cases does this for the purpose of teaching the building of roads in difficult places; and besides, the road is a public one, and runs through the forest reserve.

Very truly, yours,

ERNEST WILBUR,
President.

Mr. RAKER. Mr. Chairman, I want to call the attention of the committee to the fact that in the State of California alone there are 21,104,068 acres in the reserve, the largest of any

State in the Union. The total amount in the forest reserves is 168,165,163 acres. I want to call the attention of the committee particularly to the fact that in 1910 there was a loss to this Government, irretrievable, by virtue of forest fires, of \$26,596,228. In the year preceding the loss amounted to a million dollars. This appropriation is for the purpose, as stated by the gentlemen who have preceded me, of building roads, for the purpose of building trails, for the purpose of building stations where the rangers may be on hand to protect these forests from fire. In the counties of California—and I have no doubt it is the same in Colorado and Arizona and other States—the local authorities are paying half of the expense for the roads through these national forests. They are expending their money side by side with the National Government that we may have public roads and public trails for the purpose of protecting the property of the Government and of protecting the individuals who are living within the reserves or the exterior boundaries as well as protecting the many towns that are within the exterior boundaries of these reserves. Only \$500,000 is asked to protect property worth billions of dollars, the destruction of which in 1910 amounted to over \$26,000,000. We are asking for an appropriation that the Government might assist in protecting its property, might at least be on hand to see that the private individuals who live adjacent to these forests and who live within the forests and the towns that have been built up within these forests may be protected in property and in life. We have had a history in the West of fires in 1910 where hundreds of people were destroyed simply because there were no roads, because there were no trails and no openings by which the fire could be stopped.

The Forest Service is doing splendid work in this way by opening trails for miles, cutting away the underbrush, so that if a fire should start with a man along this line you save your property, you protect the lives of your citizens. It is a small sum, \$500,000, for the purpose of protecting this magnificent forest that we are all talking of conserving, and by means of which we are talking of conserving the watersheds, for the purpose of getting water for irrigation and navigation as well. Why should we stand here and refuse to give this department a sufficient amount of money to protect our property, to protect the lives of our citizens? This is not economy. We lost in one year \$26,000,000 by the fire during that year. You could do no more gracious act, you could do no better thing than to give a sufficient amount of money and to give these people power to control, that you may keep that which nature has put there, and not permit it to be destroyed by the hand of man or the act of God. In investigating these fires, you will find that two-thirds, possibly three-fourths of them, are caused by lightning, and with the men on the trail, and on the road, in five minutes they are stopped, with the view stations they have on the mountains, from which they are able to see 5, 10, and 20 miles. In two hours from the time of the starting of the fire a man is there, and that fire has been stopped, whereas without the trails, without the roads, without the ranger stations, which would cost you only a hundred dollars or a thousand dollars, you will have lost in a day or in a week, a million dollars' worth of property. That is not economy.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MONDELL. Mr. Chairman, at one time and another in years past I have criticized the expenditures of the Forestry Service. Sometimes I have criticized those expenditures, gentlemen have thought, rather severely. I think those criticisms were justified. My criticisms, however, were directed to expenditures for services I thought not directly connected with or necessary to the care and the preservation of the reserves. I want to congratulate the committee and the Forestry Service in that they have reduced this year the general expenditure under the head of salaries some \$35,000.

But I want to call the attention of the committee to the fact that this is altogether a different sort of expenditure. This is the only expenditure under the Forest Service in this bill which goes directly to the present preservation and the immediate improvement of this Government property. It provides for roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests.

Mr. Chairman, several of these forests are from 100 to 150 miles in length and are from 25 to 50 miles in width. Portions of the reserves are heavily timbered. Portions of the reserves are occupied by settlers and people engaged in various occupations, developing the industries of the country. Those reserves must be protected, and it is absolutely essential for their protection that fire lanes or lines shall be cut. It came out in the hearings that we had—the investigations after the great fires

of two years ago—that on some of the great reserves in the Northwest there were no fire lanes or lines whatever; that after a fire started there was nothing on earth but the providential interposition of a rainfall that could prevent the spread of that fire and prevent it from consuming all of the forest in which it started. It is absolutely essential for the protection of the Government's property that these fire lanes and lines should be cut. The committee has reduced an emergency appropriation of \$1,000,000 for putting out fires to \$200,000, I believe.

Mr. LAMB. We did not use but \$22,000 of it last year.

Mr. MONDELL. It is possible that that emergency appropriation might not be needed, but the only way to so adjust these matters that the emergency appropriations shall not be needed is to increase this appropriation to the amount that the department asks, in order that we may take those measures of protection necessary to prevent the spread of fires once they are started.

Now, Mr. Chairman, I have called attention to the great extent of these reserves, stretching across the country for a hundred miles or more in some cases—an unbroken line of Government forest reserves, part forested and part unforested. The people who live in those reserves, the people who live on either side of them, find it necessary to pass through and across them continuously. If the reserves are going to be safeguarded in the interests of all the people we must have the fire lanes, we must have the telephone lines, we must have the trails, we must have the roads, we must have the bridges, and if the people living in the locality are to have the opportunity of getting across and about the reserves these roads and bridges and trails must be built. Otherwise the reserves will remain indefinitely great barriers to development, great Government reservations across which it is impossible for the people to pass in the development either of the reserves themselves or of the adjacent country. I think the committee could, perhaps, have very properly reduced the appropriation for salaries much more than they did. I believe that the present management of the Forest Service is making a very honest and intelligent effort to reduce expenditures for salaries and I have no criticism to make of what the committee did in that regard, but there is no justification from anybody's standpoint in the reduction by nearly half of the only appropriation carried in the bill which protects the Government's property, which opens the reserves for use, and which makes it possible for the people of the locality to use and enjoy them. Certainly Congress does not expect the Forest Service to protect the reserves from fire without the means of protecting them, and anyone who knows about a forest fire or a prairie fire, for that matter, knows that a fire once started and under heavy headway can not be stopped except with a back fire made against some barrier, and unless there is a noncombustible barrier like a fire lane you can not get men enough on a reserve to check the progress of a great head fire or top fire going through these forests.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

Mr. LAMB. My dear sir, we must finish this bill some time.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. In view of the fact that the Forest Service states that until recently it did not have sufficient appropriations to enable it to carry on as it should the work of making fire lanes—

Mr. LAMB. My friend ought not to make this statement. We have appropriated \$625,000 for this work. We appropriate \$150,000 outright, we give an emergency fund of \$200,000, and we give them this \$275,000, which is \$625,000.

Mr. MONDELL. The chairman of the committee quotes a lot of very large figures that I do not think available for the purposes of this item.

Mr. LAMB. What I have stated is the fact.

Mr. MONDELL. I repeat what I said a moment ago that this is the only appropriation in this bill that can be used for the purpose of providing measures of immediate protection and utilization. There is not another dollar in the bill that can be used directly for those important purposes. And this is, therefore, the most important of all the items in the bill. But it is the one that the committee has proceeded to cut down nearly 50 per cent.

Mr. LAMB. Does my friend bear in mind when he is making these arguments—and he has expression down fine—that we have provided for this special work the sum that was allowed two years ago, viz, \$275,000.

Mr. MONDELL. When I have a good cause I can make an argument.

Mr. LAMB. Maybe that is the reason the gentleman is not doing so well now. Does he know that there have been 9,000,000 acres of this forest land turned back to the States, that there has been 1,000,000 acres of it converted into homesteads in the last two years, and that each year the necessity for larger appropriations is not so great? We claim that \$275,000 is sufficient for this work.

Mr. MONDELL. Mr. Chairman, the transfer of a few millions of acres clipped from the outer edges of reserves, generally of land that ought never to have been in reserves, land that is nontimbered—for they have not excluded any timberland from the reserves—the exclusion of such land from the reserves in no manner lessens the necessity for this appropriation, and the taking of homesteads in the reserves, instead of lessening the obligation on the part of the Government or necessity on the part of the Government to do the things provided for in this item, increases the demand and the necessity, for the more you settle the reserves, the more industries you have within the reserves, the greater the danger of fire, the greater the necessity for roads, trails, and bridges and telephone lines. The service has had this appropriation for a year—the present amount. It has been impossible with this appropriation for the service to more than make a beginning, much less to complete, a systematic, orderly cutting of fire lines. They have just begun the construction of roads and trails. The work is well organized and is now under way. And I want to call the attention of the members of the committee to the fact that if the forest-reserve policy of the Government is to stand, the Government must do this work. It must do it, first, because if the forests are to be consumed Congress will not continue to pass appropriations for the protection of dead timber. And if the forested areas are not to be prepared for use, then Congress will decline to maintain in those Western States great areas that can not be used and that can not be utilized. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, the committee decreased the appropriation in this item \$225,000 upon the theory that the work of the permanent improvement of the forests of the country was a work which must necessarily go along slowly. The testimony before the committee is to the effect that if we were to spend \$500,000 a year it would take anywhere from 15 to 20 years to complete a system of trails, telephones, bridges, and roads throughout the national forests, adequate to even an approximate protection of the forests.

We figured from the standpoint of the construction of roads in our own States, many of us; I am sure I did. I figured that if we were to build a system of roads in South Carolina in one year it would practically bankrupt my State. Legislators dealing with a proposition of this kind must necessarily take into consideration the fact that a public improvement involving the appropriation of millions and millions of dollars must necessarily go along gradually. Every member of the Committee on Agriculture, every member of this Committee of the Whole House on the state of the Union, would desire it, if it were possible, that there should be placed in the national forests at one fell swoop, as it were, a complete system of roads, trails, and bridges. But there is not a man, either of this committee or of the Committee on Agriculture, who believes that such a proposition is possible at one time. It is impossible; we must go at this matter slowly and in a reasonable way.

Mr. Chairman, the appropriation for this purpose has been a variable appropriation since I have been a Member of Congress. I find that in 1900 the appropriation for the construction, maintenance of roads, bridges, fire lines, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration and the benefit of the national forests amounted to \$510,000. Following that, in 1910, the Committee on Agriculture recommended an appropriation of \$600,000. Then, in 1911, a more economical spirit struck the committee, and for that purpose the appropriation was reduced to \$275,000. That was the year before last. This is the amount carried in the present bill. In 1912, following that terrific fire in Montana and Idaho, a fire which for intensity has never been equaled, as we understand from the testimony, in the history of this country, the committee recommended the sum of \$500,000. And this year the Forestry Bureau asks for an appropriation of \$500,000.

Now, gentlemen direct attention to the great fire in 1910, and appeal to the committee on the ground that the only way to prevent a recurrence of such calamities is by making these large appropriations; that does not follow.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LEVER. Mr. Graves, in his testimony before the committee, answering a question of mine, says:

No; of course we hope we will never have another recurrence of such a fire. It was a very exceptional year, and it was to provide in the bill for an emergency of that kind, perhaps, rather than put us in a position of having to come to Congress for a deficiency, which prompted us to insert that in the bill last year for an emergency.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from California?

Mr. LEVER. Certainly.

Mr. RAKER. Before the gentleman gets away from that point, will he inform us of the fact that this year the mountains are practically bare, so far as snow is concerned, and such a thing has not occurred in 40 years, and that the fires are now beginning on these national forests—something unheard of in 40 years?

Mr. LEVER. Well, Mr. Chairman, that suggestion does not answer this proposition, for the reason that if we appropriated to-day this \$500,000 not one penny of it would become available until the end of this fiscal year, and not one single dollar of it could be used for the purpose of building the trails and other improvements necessary for protection against the bad conditions which seem to exist in the western forests at the present time. I believe that answers the gentleman's question.

But, reverting again to these fires, the testimony before the committee in 1911 says:

The Weather Bureau, I think, has had records from 1870, and we base that statement on these records, and the statement is that this fire was the greatest fire in the history of this country.

Such a fire as that is not likely to occur again in the next half century, and we can not afford to be swept off our feet by the sentimental argument that by these fires millions of dollars were lost and a number of lives were lost. It is necessary for us to appropriate in a reasonable way for an adequate protection of these forests by the appropriation of a reasonable amount for trails, telephones, and the like of that.

Now, gentlemen of the committee must not fail to bear in mind that the appropriations for the national forests have been increased in the last 10 years at an enormous rate. Let us see how these have increased to show why a halt is necessary. In 1908 the appropriation, I find, was \$2,400,000. It was increased in the year 1909 by \$1,496,000, and in 1910 it was again increased by \$750,000. In 1911 it was increased by \$361,000. In 1912 it was increased by \$425,000. In the course of four years the appropriation for this service has been increased \$3,133,000, in round figures.

The Committee on Agriculture feels that it has dealt generously with this service, and the committee does not underestimate either the value of the national forests or the duty of Congress to provide for their adequate protection. But we believe that with \$275,000 the Forestry Service can make reasonable progress in the way of protecting the forests.

Now, Mr. Chairman, I want to call your attention to the fact that—

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield there, before he passes from this subject?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from South Dakota?

Mr. LEVER. Yes.

Mr. BURKE of South Dakota. I would say to the gentleman that I was very much interested in the statement made by him in giving the figures as to the increases of the appropriation. Can the gentleman inform us as to whether the forestry area had increased materially during these years; and if so, to what extent?

Mr. LEVER. The gentleman is absolutely correct in the idea that the area of the forests has increased, but just to what extent I am not able to say, though that information is easily available if I could put my hands upon it. Continuing, I desire to call the attention of the committee to a statement of the Chief Forester as to the length of time and the amount of work necessary to be done for the complete protection of our forests.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAMB. Mr. Chairman, I ask that my colleague have two or three minutes more.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] asks unanimous consent that the gentleman from South Carolina may have three minutes more. Is there objection?

There was no objection.

Mr. LEVER. Mr. Graves, in his testimony before the committee last year, makes this statement, which shows the enormity of the undertaking and the necessity of dealing with it gradually and reasonably rather than going at it in too big jumps at one time:

I have an estimate of the construction work which is necessary for the primary control of fires. That includes 6,700 miles of roads, and the testimony is to the effect that it costs about \$91.31 a mile to build the kind of roads that they are building in the national forests, and 22,000 miles of trails and about 10,000 miles of fire lines and over 16,000 miles of telephone lines, and so on, which must be built before we have a grip even on the situation. This amount of work must be done before you get even the least grip upon the situation.

That statement does not bear out the theory that this amount of work will protect the forests, but does bear out the idea that the work can not be done in a day or a year. Mr. Graves is a very conservative man, and one of the ablest men in the service, in my judgment—a man who is going to grow in the esteem of this House as we come to know him better and better. [Applause.] He says further:

The entire list amounts altogether to nearly \$8,000,000. Now that work can not be done in a year. I do not think it would be desirable for Congress, if it wanted to do so, to hand over to the Forest Service \$8,000,000 in one year. I do not think we are organized so that we can develop the work as fast as that. It ought to be stretched over five, six, or eight years; but of course it has got to be done before you have complete access to the forests and the means of controlling fire.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Wyoming?

Mr. LEVER. I will yield in a moment. Mr. Graves tells of a trip which he took to British India, where they have the best system of fire protection of any country except Germany, perhaps, and he says they can not control the fires over all the forests of British India at one time; that they begin on a selected list, and put them under protection, and then the next year they will take on a little more area, and the next year a little more, and so on, until the whole is covered. This is the proper system, in my judgment, and it was the idea of the committee that it was wise to follow old and established customs which prompted it to try to make this appropriation a reasonable one and in keeping with well-defined practices in forestry control. The committee had in mind the fact that the best forestry systems in the world recognize that on these propositions of the permanent improvements we must necessarily go slowly.

Mr. MONDELL. As I understand, the Forester suggests that this work could be done in a systematic and economic way in eight or nine years.

Mr. LEVER. He says in six or eight years.

Mr. MONDELL. On the basis of the amendment offered by the gentleman from Illinois [Mr. MANN] it would require 16 years to do the work. Certainly that is not unreasonable. We are proposing to spread it over nearly three times the number of years suggested by the Forester.

Mr. LEVER. That is true, and if we can complete the permanent improvement of these forests in 25 years we will have done a great service to the country and to posterity. I hope the gentleman's amendment will be voted down. [Applause.]

Mr. LAMB. I move that all debate on this paragraph and amendments thereto close in five minutes.

Mr. MANN. I ask for a division on that motion, and pending that I suggest to the gentleman that he give us a longer time than that. Several gentlemen on this side desire to speak on the subject.

Mr. LAMB. Several gentlemen may want to speak, but we can not take two or three weeks more on this bill. We have not moved a particle from where we were the other evening.

Mr. LA FOLLETTE. The people who live on these forest reserves ought to have a chance to be heard.

Mr. LAMB. They have been heard; but I will make it 10 minutes instead of 5.

Mr. LOUD. Make it 15 minutes. I want 5 minutes.

Mr. MANN. Make it 15 minutes.

Mr. LAMB. Gentlemen seem to have just begun this fight. The Lord knows what they will do if we give them too much leeway.

Mr. LEVER. I think that those on this side who represent the committee should have 2 minutes out of the 15 minutes.

Mr. MANN. Make it 17 minutes.

Mr. LAMB. No; 15 minutes.

The CHAIRMAN. The gentleman from Virginia moves that debate on this paragraph and all amendments thereto close in 15 minutes.

The question being taken, the motion was agreed to.

Mr. AUSTIN. Mr. Chairman, I do not think there will be any difference of opinion on the statement that the gentleman from Illinois [Mr. MANN], the leader of the minority in this House, has a consistent record for economy and for wise and

judicious expenditure of the public money. This amendment is offered by the gentleman from Illinois [Mr. MANN] who, as I have stated, is not given to extravagance in voting for appropriations in this House. I venture the assertion that he had no other thought in mind in offering the amendment except the good of the public service, because Illinois is not interested directly in this proposition.

We have not only the testimony of the gentleman from South Carolina [Mr. LEVER], representing this committee, as to the efficiency and faithfulness of Mr. Graves, who heads the Bureau of Forestry, but it is the universal opinion on both sides of the Chamber that a more conscientious, faithful, and efficient public official is not at the head of any bureau of this Government than the present Forester. If he is efficient and has the good of the service at heart, why not follow that proposition a little further and say that he should have what he has appealed to this committee for—a sufficient amount of money to protect the Government interests in the faithful and efficient administration of his important bureau?

Shall the Members of this House accept the statements of the members of this committee, who are not charged with the direct administration of that trust, in preference to the opinion under oath of Mr. Graves, who has every detail of this work in hand, and whose reputation as a public official is for careful and effective use of the money voted by previous Congresses, to carry out the excellent and valuable work of his bureau?

I venture the assertion that if this reduced appropriation becomes a law not one dollar of it will be expended in the great area of the South, in the Appalachian region where, so far, more than 100,000 acres have been purchased at the cost of \$1,200,000.

Mr. LAMB. Why does the gentleman say that?

Mr. AUSTIN. If any portion of it is used there then it must come as a sacrifice, at the cost of the efficiency of the service in the Western States, where the national reserve is scattered over thousands of miles.

Mr. LAMB. The gentleman must know that these units of forest have not yet been apportioned in the Appalachian Reserve because comparatively small areas of land have yet been purchased.

Mr. AUSTIN. I make that prediction after a talk with the gentleman's colleague, and one who is actively aiding him in putting this bill through the House, that there is no understanding and no promise and no assurance anywhere that a dollar of this money will be used for the care and protection of the Appalachian Reserve—30,000 acres in Georgia, 80,000 acres in Tennessee, 25,000 acres in North Carolina, and 25,000 acres in Virginia, scattered through four States, and in some instances 80 miles apart.

Mr. LAMB. The gentleman from South Carolina can answer on that subject. We appropriate \$30,000—

Mr. AUSTIN. There is no promise, either from the committee or from the Forestry Bureau, that any part of the appropriation will be used in the construction of telephone lines, trails, roads, or bridges in the Appalachian Reserve.

Mr. LEVER. Let me say to my friend from Tennessee [Mr. AUSTIN] that the Forestry Service has full authority to use every dollar that is required to be spent in building trails, telephone lines, and all that.

Mr. AUSTIN. But to give authority and to give the money to do it are two different propositions.

Mr. LOUD. Mr. Chairman, I would that every Member on this floor could realize what a forest fire means and what the result of a forest fire can be. The gentleman from South Carolina has said that the last large forest fire occurred in 1910. I am sure he is mistaken. Let me explain. On the morning of the 11th day of last July, just eight months ago to-day, I lived in a thriving community of 3,000 people, with splendid business industries—a happy, prosperous people. The two towns comprising this community (Au Sable and Oscoda) are located on the shore of Lake Huron. We have a forest reserve right to the west of the town. On that day, eight months ago to-day, a forest fire came in from the westward, the burning embers carried by wind blowing 50 miles an hour. Our fire department did their utmost to stop it, but it was useless. The burning embers, carried by the fierce wind, were scattered over the town, setting fire so fast that no human being could avert the danger. In only four hours the two towns of Oscoda and Au Sable, adjoining each other on opposite sides of the Au Sable River where it flows into Lake Huron, were wiped off the face of the map. Three million dollars went up in flames as the result of this forest fire. Four people were burned to death, and 2,500 people were turned out in three hours' time, homeless and destitute, many of them with nothing in the world left, not even clothing, save the scant clothing worn that summer day. All that night most of them lay on the beach of Lake Huron, un-

protected from the cold wind that had changed to the northward, and without a morsel to eat.

Would that I had time to tell the touching story of how the generous people of the neighboring towns and all over Michigan quickly and bountifully responded to alleviate the distress of the stricken community. God forbid that any one of you should ever pass through such an experience, but I would that each of you who oppose this bill could have been there to see the results of a forest fire. While I lost that day a large portion of the accumulation of 40 years' work, my home and all it contained, my loss was as nothing compared with the losses of the poor people who lost their homes and all they had in the world.

The amendment now before this House asks that for the fire protection of the entire forest reserves in the United States \$500,000 be appropriated. I hope every one of you will vote for it to the end, perhaps, that no other community in the United States shall ever suffer as my home community suffered that day. I appeal to each of you that you give favorable consideration and your vote for this amendment.

Mr. LA FOLLETTE. Mr. Chairman, we have heard in the last two or three years a great deal said throughout the United States about State conservation and National conservation. Out in our Northwest country it has become, and is to-day, a leading question, a burning issue, and while, when we get down to the legal points and constitutional phases, there may not be much that can be said in favor of State conservation where National resources are concerned, yet from the viewpoint of justice we have all got to admit that there can be a great deal said. Out in the West they have set aside large areas as forest reserves. The gentleman from Colorado [Mr. MARTIN] said one-fourth of the area of his State is in forest reserves, and in other States there are almost equally as large areas. I submit that that property belongs to the Government, and admit that the Government should have a right to do what it pleases with its own; but, as a moral question, has the Government of the United States any right to go into a sovereign State and set aside large areas of forest and then not adequately provide that reserve with roads and lanes for fire protection, which would safeguard property adjacent, belonging to private individuals and the citizens of that State, from being destroyed, and making possible such a harrowing disaster as has happened in the State of my colleague from Michigan [Mr. LOUD]? In my State we have not only been troubled with forest reserves, which are under national control, but also with Indian reservations, the National Government acting so slowly in providing for roads and trails through forests and also through Indian reservations that the country's growth is actually retarded by the dilatory tactics of the National Government. This is not altogether a question of dollars and cents; it should be a question of expediency, of moral obligation. I say that you people in this Eastern country and in the Middle West can not realize what we out in that great Northwest, where the principal part of these forest reserves are located, are up against, and I sincerely hope, if you intend cutting down the emergency fund, that every dollar of it you cut off you will add to this permanent fund, which we so badly need. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. WILLIS. Mr. Chairman, let us have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. LEVER) there were—ayes 65, noes 51.

Mr. LEVER. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. MANN and Mr. LAMB to act as tellers.

The committee again divided; and the tellers reported—ayes 74, noes 70.

So the amendment was agreed to.

BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: One chemist, who shall be chief of bureau, \$5,000; 1 chief clerk, \$2,000; 1 executive clerk, \$2,000; 5 clerks, class 4; 7 clerks, class 3; 1 clerk, \$1,440; 12 clerks, class 2; 1 clerk, \$1,300; 18 clerks, class 1; 13 clerks, at \$1,020 each; 11 clerks, at \$1,000 each; 18 clerks, at \$900 each; 1 clerk, \$840; 1 assistant property custodian, \$900; 1 chief food and drug inspector, \$3,000; 1 food and drug inspector, \$2,250; 9 food and drug inspectors, at \$2,000 each; 13 food and drug inspectors, at \$1,800 each; 1 food and drug inspector, \$1,620; 11 food and drug inspectors, at \$1,600 each; 8 food and drug inspectors, at \$1,400 each; 2 laboratory helpers, at \$1,200 each; 1 laboratory helper, \$1,020; 4 laboratory helpers, at \$1,000 each; 4 laboratory helpers, at \$960 each; two laboratory helpers, at \$900

each; 6 laboratory helpers, at \$840 each; 2 laboratory helpers, at \$780 each; 20 laboratory helpers, messengers, or laborers, at \$720 each; 2 laboratory helpers, messengers, or laborers, at \$660 each; 24 laboratory helpers, messengers, or laborers, at \$600 each; 1 laboratory assistant, \$1,200; 1 tool maker, \$1,200; 1 janitor, \$1,020; 1 student assistant, \$300; 2 messengers, at \$840 each; 1 skilled laborer, \$1,050; 1 skilled laborer, \$840; 2 messenger boys or laborers, at \$540 each; 8 messenger boys or laborers, at \$480 each; 3 messenger boys or laborers, at \$420 each; 1 messenger boy or laborer, \$360; 6 charwomen, at \$240 each; in all, \$254,660.

Mr. FOSTER of Illinois. Mr. Chairman, I make the point of order on page 48, line 20, to the increase of salary of the inspector from \$2,760 to \$3,000.

Mr. LAMB. Mr. Chairman, I will just make this statement: The services of this official fully warrant this salary, as the efficiency of the entire inspection force under the food and drugs act depends upon his executive ability and initiative. The promotion is not only justified by qualifications and high abilities demanded in the successful discharge of the duties of this office, but by the additional work imposed upon this official by increased appropriations during the last few years. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LAMB. Mr. Chairman, I move to amend by substituting the words "two thousand seven hundred and sixty dollars" for the amount stricken out in line 20, page 48.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 20, page 48, after the word "inspector" insert the words "two thousand seven hundred and sixty dollars."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

Mr. FOWLER. Mr. Chairman, I move to amend that amendment by striking out the word "dollars." The word "dollars" is already there, and if the amendment is agreed to there will be two "dollars" following one another, which is unnecessary.

The CHAIRMAN. The point of order was made against the words "three thousand dollars," and those words were stricken out. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Enforcement of the food and drugs act: For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, and rent outside of the District of Columbia, \$625,000; *Provided*, That of this sum the Secretary of Agriculture is hereby authorized to expend not exceeding \$5,000 for the purchase of all right, title, and interest in and to the Marsh test for detecting artificial coloring matter in whisky, the same being covered by letters patent 513728, which payment shall include full satisfaction for any and all use that may have heretofore been made of the said process by the United States.

Mr. FOSTER of Illinois. Mr. Chairman, I make the point of order on the proviso beginning on line 23, page 51.

Mr. LAMB. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I move to strike out the last word. At this point in the bill it had been my intention to offer an amendment providing that no part of this sum appropriated should be expended to pay the salaries and expenses of the Referee Board. In that connection I desire to make a statement. Three years ago I made an argument upon the legality of the appointment of the Referee Board and was voted down upon the proposition by the House. I believed then and I believe now that there is no authority in law for the appointment of such a board. The Attorney General of the United States, however, has found differently. A committee of this Congress, charged with the duty of the investigation and report upon the matter to the House, has reported differently. I do not in any wise surrender my former belief as to the legality of the creation of this board, but I have felt that the amendment which I intended to offer was an amendment too important, too sweeping, too widespread in its various reachings out to be placed upon an appropriation bill, where consideration of the entire subject was necessarily limited and restricted. I do not believe in that kind of legislation. The pure-food law was enacted for the purpose of protecting the consumer against adulterations and misbrandings of the foods which the people of the country buy and eat. There was no disposition in the enactment of that law, as I understand it, to hamper the manufacturers and purveyors of foods, beyond the point of compelling them to properly brand their foods, and to prevent them from adulterating them. I do

not believe that it is the judgment of the House, and it certainly is not my judgment, that any one man in this country should be given the power over the manufacturer or consumer of the foodstuffs of the country, and I have believed for a long time that there should be created by law, and not by Executive order, as is the case of the Referee Board, a board or commission within the Department of Agriculture with functions fully set out and defined by law, and not functions or jurisdiction made by the order of the Executive or the Secretary of Agriculture. I do not believe that Congress should submit to the proposition for a moment of turning over to Executive order and Executive authority a question so large as this.

I believe it would be at this time unfortunate for the future enforcement of the pure-food law if we should abolish the Remsen Board. It is better, in my judgment, that this board shall continue until it has completed the investigations which it was called upon to investigate by the President in his order creating it. So I have concluded in my own mind, with this statement, not to offer this amendment, which at first I had intended to offer, not because I do not have confidence in the Chief of the Bureau of Chemistry—for I do have confidence in him, regarding him, as I do, as one of the great men in this country, responsible in a large measure for pure-food legislation—yet I feel the chief of the bureau himself recognizes the enormous powers put into his hands by the pure-food law. Personally and tentatively I should like to see a board created by law, with its duties set out by legal enactment and not by Executive order, which shall be the final court of appeal—the final court of scientific appeal, if you want to so term it—upon propositions of the misbranding of food and its adulteration.

[The time of Mr. LEVER having expired, by unanimous consent, at the request of Mr. MANN, his time was extended for five minutes.]

Perhaps I would not agree to the personnel of the Remsen Board, although I do not question either the integrity of that board or its great ability from an expert and scientific point of view. If I were creating the board involving this great proposition of the proper sale and branding of foodstuffs in this country, I should likely make the personnel consist of a couple of chemists, a couple of business men selected from private life, and a medical doctor—a pathologist. I would make the personnel consist of that class of men whose business has made it necessary for them to see beyond one small direction.

The personnel of the present board is composed of highly scientific men, who probably do not see the various phases of this question. I believe it is the duty of Congress to prepare legislation and act upon it which shall set out in detail the duties of some kind of a board or commission in the Department of Agriculture which shall have the final expert decision upon all of these disputed questions arising under the enforcement of the pure-food law. I am not willing, I say frankly, after three years of consideration of this subject, that any one man—and I am not going back on my former position when I say that—shall have the absolute power to say that a certain foodstuff shall or shall not be sold in this country. My contention three years ago, as my friend from California [Mr. KAHN] will bear out, was that this board had not been created legally, that its functions had not been set out by law, and that the proper thing for Congress to do was to put its foot upon executive orders creating commissions in this Government, the effect of whose work might be to hamper the enforcement of a law passed by the Congress of the United States. From that position I have not wavered one iota, and do not now waver upon it. I am pleading for an orderly way, set out by metes and bounds of legislative action as to how this board shall be created and what its duties, functions, and responsibilities are. That is all there is to my contention. It is the same fight I made three years ago, when this proposition was first discussed upon the floor of the House. I then protested against executive legislation, and I now protest against it as strongly as I did then. I am only keep in mind the practical effects.

Mr. COOPER. Will the gentleman permit a question?

Mr. LEVER. Yes; I will yield.

Mr. COOPER. I observe with interest that the gentleman said if he had the appointing of the board the personnel would not be as it is now, but it would include business men. Would the gentleman include as business men on the board some of the manufacturers of foodstuffs?

Mr. LEVER. I do not hesitate to say to my friend from Wisconsin that I see absolutely no objection to a manufacturer being on this board. I believe that this country is big enough to deal with this proposition in a big way.

Mr. COOPER. Will the gentleman permit me to say one thing? What would an average manufacturer know about what

was in the product of any other manufacturer? How could he tell anything about it unless he were an expert chemist?

Mr. LEVER. My answer to that is that there is not a big food manufacturing concern in this country that does not have amongst its employees the highest type of and most skillful chemists.

Mr. COOPER. Exactly. Have all of these manufacturing establishments which have been putting out adulterated food expert chemists in their employ?

Mr. LEVER. I think so.

Mr. COOPER. And would you have one of those manufacturers, who employed a chemist and put out that sort of food, on a board?

Mr. LEVER. I would not. I should leave that to the discretion of the appointing power.

Mr. COOPER. If you had a business man who did not know how to ascertain the constituent elements of a product he would have to rely on the statements of somebody else, would he not?

Mr. LEVER. A business man on this board would be up against this kind of a proposition: He would listen to the advice of the chemist upon that board. He would see it, perhaps, from a broader viewpoint than the average expert in any line of work. Not only that, but it would be within the province of the business man to pass judgment upon whether or not a certain proposition was misbranded.

Mr. HELM. Mr. Chairman—

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Kentucky?

Mr. LEVER. I yield.

Mr. HELM. I understood the gentleman a moment ago to say that he was in favor of a body to correspond more or less to a court of appeals in such matters as this?

Mr. LEVER. Scientific and expert appeals.

Mr. HELM. Scientific and expert. Now, we have an Interstate Commerce Commission, and a recent Congress created a Court of Commerce. Your proposition is somewhat analogous, as I understand you. Do you think that that Court of Commerce in that bureau, which corresponds very much to the court, board, or commission that I presume you have in mind, has weakened or strengthened the interstate-commerce act?

Mr. LEVER. I may say to my friend, if I may have a moment to answer his question, that I do not have in mind the creation of any kind of a court. I believe that still the courts of the United States should pass upon these matters, as is provided in the pure-food law, as to the adulteration and misbranding of food products, but I want some legislative enactment which will clearly define the relative duties and responsibilities of all who are connected with the enforcement of this great statute. I do not want any more Executive-made legislation on such an important matter as the food supply of the country, and this idea which I have in mind would be of assistance and an improvement over the court on a great many disputed questions.

Mr. HELM. Do you think the Court of Commerce has weakened or strengthened the interstate-commerce act? And may not the board or commission that you have referred to operate in like manner on the pure-food laws?

Mr. LEVER. I will say to my friend that I am not discussing that proposition now and really have not given any consideration to it.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 10 minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to be allowed to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Chairman, I was glad to hear the gentleman from South Carolina [Mr. LEVER] say that he did not believe any one individual should be given the great power which is given under the pure food and drugs act to the Chief of the Bureau of Chemistry, without having some board of high authority to review the findings of the chief of the bureau. The Referee Board, or the Remsen Board, as it is popularly called, was appointed by President Roosevelt as a consequence of a condition that prevailed in the State of California with regard to the use of sulphur in the process of drying fruit. There were other questions that were then in controversy, notably the use of benzoate of soda as a preservative, but I believe that it was the use of sulphur in the drying of fruit that brought the Referee Board into existence.

I want to say at the outset that I have a very high regard for the Chief of the Bureau of Chemistry. I believe that he has done a great work in this country. I believe that the people of

the country appreciate it. And he is universally accorded the credit that is due him.

But in this matter of dried fruit he issued an order that the use of sulphur was deleterious to the health of the people if the quantity of the sulphur used was in excess of 350 milligrams to the kilogram of fruit. He had taken the matter up with the Solicitor of the Department of Agriculture, Mr. McCabe, and had at first held that 1,000 milligrams to the kilogram was the maximum amount that could be used with safety to the public health; that was not unsatisfactory to the fruit driers of California.

A few days afterwards he reduced the amount to 750 milligrams to the kilogram of fruit, and that was not altogether objectionable. A little later he reduced it to 500 milligrams to the kilogram of fruit, and finally to 350 milligrams of sulphur to the kilogram of fruit. Evidently the Chief of the Bureau of Chemistry was not certain as to just what amount of sulphur would be deleterious.

Germany, which probably is the most advanced country in the world so far as the science of chemistry is concerned, by statute law allows 1,250 milligrams of sulphur to be used to the kilogram of fruit in the process of drying. When an order was finally issued by the Chief of the Bureau of Chemistry that sulphur in excess of 350 milligrams to the kilogram of fruit was deleterious, the fruit driers of California realized that their industry would be ruined if such an order was enforced, and they appealed to the President of the United States and to the Secretary of Agriculture, who happened to be in California at that time, for relief against this drastic order, and as a consequence this Referee Board was appointed. Since then no further action has been taken by the Bureau of Chemistry in regard to the sulphuring of fruit, and we will be content to stand upon the findings of the Referee Board. Now, fruit is sulphured to prevent decay, to prevent the attacks of insects, and sometimes to bleach it. A small oven is built and a number of trays of fruit are put into this oven at a time, while the sulphur is kept burning at the bottom. The tray remains in the oven about an hour. When it comes out it is placed in the open air in the fields and is dried by the direct rays of the sun.

Mr. TOWNER. Will the gentleman allow a question?

Mr. KAHN. Yes.

Mr. TOWNER. I thought you intended to tell us, but omitted to do so—and, at least, I should like to know—what was the finding of the Referee Board.

Mr. KAHN. They have not yet rendered a decision in the matter. It is still pending. And, as I said, we are content to stand by whatever finding the board may make; but we realize that Germany, which, as I said a moment ago, is possibly further advanced than any other country in the world in chemical science, permits by law the use of 1,250 milligrams of sulphur to the kilogram of fruit.

Mr. TOWNER. What are your fruit growers doing now?

Mr. KAHN. They are proceeding as they did prior to the appointment of the Referee Board. The matter is in abeyance and the findings of the Referee Board will determine just what they can do in the future.

I believe that the appointment of the Remsen Board has been fully justified. The members of the board are recognized scientists, who stand high in their profession. They are conducting their experiments in a scientific manner and their findings will undoubtedly be generally accepted by the scientific world. Efforts have been made in some quarters to discredit the board. I do not think those efforts have been successful, as a rule. But that there was the absolute necessity for the appointment of the board is demonstrated by the hearings before the Committee on Expenditures in the Department of Agriculture. Let me quote from page 891 of those hearings:

Mr. HIGGINS. From your investigation into the matter of foreign referee boards, are you able to express to the committee any opinion as to the relative cost of those boards abroad and here?

Secretary WILSON. Oh, they cost more than ours, for the reason that they take far more time and they deliberate much longer. The British board on tubercular germs in animals studied about 10 years, and, I think, it cost \$375,000 to pay their expenses. All those great nations do that.

Mr. HIGGINS. Some reference has been made, Mr. Secretary, to the Coca Cola case at Chattanooga. That was a case in which the Government prosecuted the makers of Coca Cola?

Secretary WILSON. Yes.

Mr. HIGGINS. Did Dr. Wiley attend that trial?

Secretary WILSON. Yes.

Mr. HIGGINS. What was the result of the case?

Secretary WILSON. We got beaten.

Mr. HIGGINS. Have you any information gained through any investigation of that matter as to Dr. Wiley's declining to testify in that case?

Secretary WILSON. There is a letter that comes up from the Assistant Attorney General down there. I could read a paragraph of that.

Mr. HIGGINS. I wish you would read the letter.

Secretary WILSON. He says:

"I have tried in vain to evolve some plan whereby Dr. Wiley can be utilized on the stand. I have conferred with Mr. McConville most intimately on this point. Dr. Wiley's presence at the argument might be of some value. The argumentative stage will probably be reached Tuesday, and if he should leave Washington about 11 a. m. Monday, he would probably reach here at 10 a. m. Tuesday. Believe me, I would have utilized him if I could, and, you know, it was my personal desire to do so; but, while Dr. Wiley was in full accord with the Government, he expressly stated he could not qualify as a physiologist, a chemist, a toxicologist, a physiological chemist, pharmacologist, or a doctor of medicine to the satisfaction of either himself or the Government. Had you been situated as we were, I am sure you would not have introduced him."

Does that answer the question?

Mr. HIGGINS. Yes.

Secretary WILSON. This is a letter from W. B. Miller, special assistant, dated April 1, 1911.

Mr. HIGGINS. He was representing the Government as assistant?

Secretary WILSON. Representing the Department of Justice.

It will be observed that the letter from the special assistant to the Attorney General of the United States informs the Secretary of Agriculture that the head of the Bureau of Chemistry expressly stated that he could not qualify as a physiologist, a chemist, a toxicologist, a physiological chemist, pharmacologist, or a doctor of medicine to the satisfaction of either himself or the Government in the case in which the Government prosecuted the manufacturers of Coca Cola. In view of that fact, I believe the appointment of a Referee Board of acknowledged scientists was not only justified, but was absolutely necessary for the protection of the consumers as well as of the producers.

Mr. Chairman, we had another experience in California in regard to the branding of sherry and port wines made in the State of California. Our wine producers there labeled them distinctly "California port" and "California sherry." There was no question about the label showing clearly where the commodity was manufactured. There was no attempt to deceive. The word "California," printed in large type, plainly indicated the place of production. The head of the Bureau of Chemistry insisted that the word "type" must follow the word "port" or "sherry," so that the label should read "California port type" and "California sherry type." The California producers, anxious to comply with the rulings of the department, printed their labels accordingly. But the consequence of that was that when the California manufacturers put that word "type" upon their labels their goods were returned by their customers, for the customers said: "We do not want a 'type' of California port; we do not want a 'type' of California sherry; we want the genuine California port; we want the genuine California sherry."

But there was the order of the Food and Drugs Board, insisting upon the word "type" being on the label. Our manufacturers and producers asked for another hearing before that board, and finally, by order of Secretary Wilson, we succeeded in getting that hearing. We contended that that board had no more right to insist upon the label reading "California port type" or "California sherry type" than the hotel and restaurant keepers of this city or of any other city in this country should be compelled to put on their menu cards the words "Frankfurter sausage type," "Irish stew type," or "Vienna bread type," and so on. It would have been just as ridiculous, and perhaps more apt, to compel hotel and restaurant keepers to put on their bills of fare the word "type" in the description of those articles, because the Irish stew surely was not made in Ireland, the frankfurter sausage was not made in Frankfurt, and the Vienna bread was not made in Vienna. Your purveyors of these foods did not have to use the word "type" on their bills of fare, although the wine growers of California were compelled to use it in describing their ports and sherries.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. The gentleman from California [Mr. KAHN] asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. KAHN. A full hearing was had and Secretary Wilson himself was present, acting in his capacity as ex officio member of the Food and Drugs Board; and, without leaving their seats, every one of the members of that board, except the Chief of the Bureau of Chemistry, decided that the word "type" should be stricken from the label. Dr. Wiley still insisted that the labels should bear that word. Of course, the majority of the board having decided that the word should be stricken from the label, that word has been stricken from the label ever since. The fact is that the language, "California port," does not deceive a single soul. Everybody knows where that port is made. There is no attempt made to deceive. The words "California

sherry" simply show where the sherry is manufactured and produced. There is no attempt at deception.

I merely point out these instances to show that it would be a crime inflicted upon the business interests of the United States to give any one individual unlimited power in the enforcement of this law.

I am glad that the gentleman from South Carolina [Mr. LEVER] did not undertake to make a point of order against this section or to offer an amendment to it. I am glad that he concedes the fact that it is too much power to place these important questions in the hands of any one man, and that therefore this board, or some other board similar in character, ought to be appointed by the President in order that the manufacturers—the legitimate manufacturers of this country, the honest manufacturers—might have some scientific body to which they could appeal if they felt that their business interests were being seriously jeopardized without any intention on their part to violate any of the laws of the land.

Mr. LEVER. My point is, if the gentleman from California will permit, that this board shall be authorized by an act of Congress rather than be appointed by Executive authority.

Mr. KAHN. I understand the gentleman's position in the matter, of course; but heretofore serious opposition has developed in this House against the Referee Board, and I am glad to see on this occasion that it is unanimously admitted that there should be such a board in order that honest, legitimate business should not be interfered with.

Mr. LEVER. And the gentleman should be fair enough to say that Dr. Wiley has insisted upon that himself, and he is so quoted in the hearings had before our committee.

Mr. KAHN. I am glad that is so. Any fair-minded man will agree to a proposition of that kind. The manufacturers of this country, or at least those of that section of the country where I live, are trying to do a legitimate and honest business. I think that Dr. Wiley has stated repeatedly that California wines are among the purest produced anywhere, and the simple fact that our wine growers have used the word "sherry" on their labels in a generic sense should not subject them to embarrassment. Lexicographers admit that such words as "port" and "sherry" are now used in a generic sense. It is only just that our wine growers should have had an appeal from Dr. Wiley's decision in regard to the word "type" on the label, in order that they might protect their business, which, I may say, is not an inconsiderable one. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from California [Mr. KAHN] asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. DUPRE. Mr. Chairman, I do not know the present head of the Bureau of Chemistry. I never have seen him. And while I have no sympathy with such vagaries as "autosuggestion," which he was reported to be advocating last summer when the thermometer was hovering around the century mark, or with the doctrine of "whole Democracy," which he announced some weeks ago, about the same time as another similarly rational blast was emitted at Columbus, Ohio [laughter], yet I do believe that he, as head of the Bureau of Chemistry, has rendered valuable services to the people of this country. I sincerely hope that he will long continue to render such services. They are infinitely more useful and beneficial than the more or less ornamental duties that a Vice President is called upon to discharge.

I will say, further, that I am not familiar with the merits of many of the controversies in which Dr. Wiley has been the central figure. I do not know much about benzoate of soda. I know little about "What is whisky?" But I do know something about the manufacture of Louisiana sirup and molasses, and I know that if Dr. Wiley's proposed regulations on that subject had been carried into effect the manufacture of these products in which sulphur is an essential would have been impossible.

I feel, therefore, that as between the final "ipse dixit" of Dr. Wiley or any other head of the Bureau of Chemistry and the required approval of the Secretaries of Agriculture and Commerce and Labor and of the Treasury, these latter officials, in the nature of things, not being chemists, there ought to be some intermediate scientific board to supervise and pass upon the findings of the head of the Bureau of Chemistry and to advise the Secretaries of Agriculture, of the Treasury, and of Commerce and Labor whether such findings are scientifically sound

or whether they are merely the whimsical or arbitrary views of one man. The Remsen Board meets this requirement, and I am glad that the pending bill makes possible its continuance by providing an appropriation therefor. [Applause.]

Mr. LEVER. Mr. Chairman, I understand that there are a number of gentlemen who wish to extend their remarks in the Record. I ask unanimous consent that permission be given to them.

Mr. MANN. That can not be done in Committee of the Whole. It can only be done by individual requests made separately.

Mr. LEVER. Then I will withdraw my request, Mr. Chairman.

Mr. MANN. Mr. Chairman, I withdraw my pro forma amendment. The gentleman from Louisiana [Mr. DUPRE] has referred to the ipse dixit of Dr. Wiley, and the gentleman from California [Mr. KAHN] used almost the same idea. There is no doubt but that there is a prevailing opinion in the country that if the Referee Board were abolished Dr. Wiley would have the say as to what would constitute a food or a drug or whether a food or a drug was misbranded or adulterated.

There is nothing further from the truth, possibly. In the pure-food law no such autocratic power was given to Dr. Wiley or to anyone else. In the first place, if it is charged that a food is misbranded or adulterated an examination is made by the Bureau of Chemistry under regulations provided by three Secretaries—the Secretary of Agriculture, the Secretary of Commerce and Labor, and the Secretary of the Treasury. The Secretary of Agriculture is in close connection with those industries which relate to the production of articles from the soil, including agricultural and horticultural products in all of their diversification, and the Secretary of Commerce and Labor is in connection and communication with the manufacturing industries of the country, while the Secretary of the Treasury is connected with all the importations into the country. It is quite well guarded to begin with. In the second place, if the Bureau of Chemistry concludes that an article is misbranded or adulterated they do not determine the matter. It is not left to the determination of an autocrat to settle the question whether the article is misbranded or adulterated.

All the Government does in any event is to have a test of the matter made by the courts, where the person who wishes to maintain that his food is properly branded, or is not adulterated, has full opportunity to present his case before an unbiased court, the same as other people settle their controversies.

Mr. HAYES. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HAYES. But in the case of such a trial in the court, the testimony of the department officials would of course be competent testimony, and in ordinary cases would be taken, would it not?

Mr. MANN. I presume it would be taken.

Mr. HAYES. Would it not be true that that testimony would outweigh, in the public mind and in the mind of an ordinary jury, any testimony that the defendant might offer?

Mr. MANN. I believe my distinguished friend from California is not a lawyer, or he would not ask that question. Of course it would not outweigh the testimony brought in behalf of the defendant, if the testimony brought in behalf of the defendant ought to prevail.

Mr. BARTLETT. Is it a fact that in the celebrated coca-cola case Dr. Wiley's opinion did not prevail?

Mr. MANN. In many cases Dr. Wiley's opinion has not prevailed. We gave the Department of Agriculture only the right to institute proceedings in court. Of course it is true, and we all realize without question, that the prosecution of a manufacturer or a wholesaler or a jobber or a retailer might do inestimable damage; but in such cases as that named by the gentleman from California, that as a rule is not true. It would have done no material damage to the producers of dried fruits to have their cases tried in court. All the damage that can be done is done by the assertion of some one—

Mr. KAHN rose.

Mr. MANN. I do not yield at present. I should like the opportunity to make a consecutive statement for a few moments.

Mr. DYER. I should like to ask the gentleman one question.

Mr. MANN. I shall be glad to answer it, if the gentleman will wait. The Department of Agriculture does not settle the question. When it takes a case into court, then it becomes a matter for the court to determine. Of course I understand the difficulty of determining, the getting of proper evidence to determine in court some of these controverting questions. The first controversy of great importance that came up was the one in relation to the blending of whisky, where there was a bitter controversy that probably is not yet disposed of. The different branches of the Government wrestled with that, from the De-

partment of Agriculture to the Attorney General and two Presidents of the United States.

When there came up the question of the use of sulphur in the drying of fruits, President Roosevelt evidently concluded that it would be preferable to have a scientific body investigate the subject rather than for the President and the Attorney General to endeavor to determine whether sulphur was deleterious or not under the circumstances, and he appointed the Referee Board. I have never believed that the Referee Board was an illegal body. It was the intention of the pure-food law to give to the Department of Agriculture, or to the three Secretaries, or to the President, who presided over all of them, authority to determine, in the mind of the Government, first, whether there should be a prosecution. The prosecution would not settle the question, but the Government ought, first, before instituting a prosecution, to be fairly well satisfied that the article was either misbranded or adulterated. Some one may determine these questions offhand, and yet after the course of centuries, and after the discussion of these subjects for years, no one yet knows how far the use of sulphur in the drying of fruit is deleterious, or how far the use of benzoic acid or benzoate of soda in the preservation of food is deleterious. No one knows a great many other of these scientific problems, and probably no one will know for years to come.

[The time of Mr. MANN having expired, by unanimous consent it was extended five minutes.]

Mr. MANN. The Supreme Court of the United States is the body which, in the ultimate conclusion, will settle the question so far as the law is concerned, and before that tribunal shall do that it is desirable to ascertain, through scientific methods, all the information that it is possible to obtain. It is not desirable to have food spoil for lack of preservative on the one hand, nor is it desirable, on the other hand, to use an article to preserve food which is distinctly injurious to the system when taken into the stomach in quantities necessary for the preservation of the food.

The original proposition in the pure-food bill was to create a board. In the Committee on Interstate and Foreign Commerce that proposition was changed so as to name the character of persons who should constitute the board, naming certain chemists, physiological and otherwise. In conference that provision went out, and the reason it was put out was not because any one opposed obtaining the information, but because gentlemen who were opposed to it believed that it gave the Government too much power when it came into court; that if we constituted a scientific body on behalf of the Government in this way to settle these questions and to fix a standard, as was provided in the bill, when they should go into court and state that they had fixed a standard it would, as suggested by the gentleman from California about another matter, have too much weight in the determination of the question; that the courts might feel that if this scientific body had investigated the subject and believed that an article was deleterious or injurious—and those are the only cases that would get into court—their opinion would have too much weight with the court, and it was thought better in the end to leave it so that the Department of Agriculture could only institute a prosecution.

Now, the duty of the Remsen Board is quite different. The Remsen Board is purely advisory to the Department of Agriculture. After it has determined that in its judgment an article used in food is not deleterious to health, the Department of Agriculture simply does not prosecute. It is no final settlement of the question. If in the course of time and the study of the subject scientists come to the conclusion that the article so used is deleterious to health, a prosecution can be commenced at any time in the future. The Remsen Board does not compel the Department of Agriculture not to prosecute. It simply advises, and the Secretary of Agriculture does not authorize the prosecution to be commenced. With 1 Remsen Board or 40 Remsen Boards we will not learn too much. I do not quite agree with my friend from South Carolina [Mr. LEVER] that there ought to be business men upon this scientific board. The duty of the board is only to determine the scientific question, the health question. The pure-food law does not prohibit any kind of food, except that it prohibits the wrong branding of articles and the addition of deleterious substances to foods and drugs. If there are no deleterious substances added, we do not prosecute, and in the end we may find out. I do not know whether the addition of sulphur in the drying of fruit is deleterious. I believe it is, when used in any considerable quantities. I do not know whether the addition of benzoate of soda is deleterious. I believe it is, when used in any considerable quantities. But I do not pretend to determine the matter. That will be determined in the course of time.

The gentleman referred to misbranding port wine. The gentleman from California [Mr. KAHN] and other gentlemen from California would be extremely quick to object to oranges being branded "Florida San Bernardino oranges," with the "Florida" in small letters and the other in large letters. Now, whether the term "port," which originally meant Oporto, a Province of Spain, has become a generic term or not, is in the end something for the courts to determine.

Dr. Wiley does not determine it. I have great confidence in Dr. Wiley. His business is to discover and stop, if possible, the wrong branding or the adulteration of foods and drugs. He does not pretend that he is an autocrat who has the power finally to determine these things. He is an administrative officer. He is doing and has done great good in that direction; but, on the other hand, the Secretary of Agriculture, whose duty it is to conserve the interests of the producers of agricultural and horticultural products, has endeavored to prevent Dr. Wiley from proceeding too rapidly and without sufficient consideration. And while they have not always agreed they both have done services which render them of great value to the country and entitle them to the esteem and the respect of their countrymen. [Applause.]

Mr. FRENCH. Mr. Chairman, just a word with respect to what has been said regarding the reasons for the maintenance of the Remsen Board. It has not been purposely said by those who have spoken, and yet, if all of the reasons for the maintenance of the Remsen Board were to be disclosed from those which have been mentioned by Members who have spoken, we would think it was wholly in the interest of the manufacturer or the producer, while the fact is the Remsen Board has just as much reason to exist on account of the consumer as it does on account of the producer or manufacturer. It may be true that in the few cases that have been submitted to the Remsen Board, differences have arisen on account of the producer not seeing things the way the Chief of the Bureau of Chemistry saw them, but it does not require much of imagination to see the Bureau of Chemistry in some future time take such a position that, in the interest of the consumer himself, it might be very advantageous to take an appeal to some board such as the Remsen Board, which could make a more extensive inquiry into the interest not of the producer, not of the manufacturer, but of the great body of consumers of this country. I mention this at this time, not that I think anyone doubts the question, but in order that it may appear alongside of the reasons for the existence of the Remsen Board, to which attention has been called by those who have spoken.

Mr. HAYES. Mr. Chairman, I move to strike out the last two words. With most of what the gentleman from Illinois [Mr. MANN] a few moments ago said I am in hearty accord. He said, however, that the Department of Agriculture does not decide these questions, but that they are presented to a court for its decision. Technically, of course, that is so, but, as I suggested, I think it is true that when the department officials have passed upon a question of this sort in the public mind it is settled by their decision. For that reason it seems to me extremely important that these questions should be not only carefully investigated and investigated extensively, as the department can not, owing to the multitude of its duties, always do, but that they should be investigated by men of the highest standing in their profession, although, technically speaking, the questions as to whether certain articles are deleterious or not have to be brought before a court and be settled by judicial determination, yet as a matter of practical effect the question is determined whenever an official board—the Remsen Board, for example—has passed upon and determined that matter as to any article. It seems to me, therefore, extremely important that this board should be continued in existence and the necessary funds appropriated for it.

My friend from Illinois [Mr. MANN] says that he believes that sulphur in the drying of fruit is deleterious to health. Unlike him, I believe that it is not. Ever since I have lived in California my family has consumed fruit that has been subjected to the fumes of sulphur in drying. My children and everybody in the household have eaten it nearly every day in the year. We have yet to discover any deleterious effect as a result of that use. On the contrary, we have found it extremely wholesome and healthful, and even invalids are able to eat it as freely as they can fresh fruit without any deleterious results.

It is true that even good things may be used to excess, and if sulphur is used to excess, of course, it might produce bad results, but used as the people of California use it, in very small quantities, in order to arrest decay in the drying of the fruit and prevent fermentation, it becomes not only wholesome, but an absolute necessity if the fruit is to be dried in a manner to be

fit for food. So far as my observation goes, fruit that has not been treated in this manner, unless it contains a very large amount of sugar, will turn black in the process of drying, and when fruit is turned black fermentation or decay has set in, and it is not fit for human food.

Mr. KAHN. The sulphur in the fruit is also used for the purpose of preventing insects from attacking the fruit.

Mr. HAYES. Yes; I was coming to that in a moment. It is also necessary to prevent production of insect life in the fruit. It prevents the laying of eggs by flies and other insects, which would otherwise infest the fruit. All insect life will keep away from fruit when drying which has been thus treated. Without the use of sulphur fumes it would be impossible for the people of California to preserve their fruits as they do, and which, as I believe, has added greatly to the pleasure and the health of all of the people of the United States.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I should be glad to.

Mr. MANN. Do I understand that sulphur enough remains in the dried fruits after they are dried to prevent any insect life in the fruit?

Mr. HAYES. No; it prevents it while it is drying.

Mr. KAHN. That is it.

Mr. MANN. There is not very much insect life that develops when it is drying.

Mr. KAHN. Oh, yes.

Mr. HAYES. The eggs are deposited while the fruit is drying if it has not been sulphured, I would say to the gentleman from Illinois.

Mr. MANN. Not if it is dried under proper conditions; there is no chance for any such thing.

Mr. HAYES. In the case of California fruits it is true. The fruit there is dried in the sun, in the open air.

Mr. MANN. I have been eating it for years, supposing that it was clean.

Mr. KAHN. The gentleman's health is remarkably good. No other man on the floor of this House could do the work that the gentleman is doing without impairing his health. [Laughter and applause.]

Mr. HAYES. Mr. Chairman, I want to say to the gentleman from Illinois that my experience—and my experience is somewhat larger than his in the matter of fruit drying—leads me to conclude that the most wholesome and cleanest dried fruit in the world is that which is dried in California under proper conditions in the sun.

Mr. MORSE of Wisconsin. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from California, to strike out the last two words. The gentleman from California [Mr. KAHN] has pretty nearly convinced me of the uselessness of the Remsen Board. He says this board was appointed during the administration of President Roosevelt, which is over three years ago, for the purpose of determining the question of how much sulphur could be safely used in the drying and preservation of fruit. Dr. Wiley had prescribed a certain limit, and said that the use of more than that amount was deleterious to health, and after more experiments he cut that amount down until it got so low that the people of California could not keep the flies off the fruit with the amount of sulphur that they were permitted to use, and apparently were not able to buy screens.

What has this Remsen Board done? It has taken that matter under consideration for over three years, probably nearly five years, and what are the fruit raisers of California doing? They are using all of the sulphur they care to use, paying no attention to the amount prescribed by Dr. Wiley.

Mr. NEEDHAM. Where is the gentleman's authority for that?

Mr. MORSE of Wisconsin. I get my information from the other gentleman from California [Mr. KAHN].

Mr. KAHN. When did I say that?

Mr. MORSE of Wisconsin. Just a few moments ago on the floor of the House.

Mr. KAHN. Oh, no, indeed; I never said anything of the kind.

Mr. MORSE of Wisconsin. I will yield to the gentleman if I can get through in time.

Mr. NEEDHAM. That is not the fact.

Mr. MORSE of Wisconsin. As I understand the situation, there is no limit on the amount of sulphur that they can use at the present time.

Mr. NEEDHAM. Oh, yes; there is.

Mr. MORSE of Wisconsin. The Remsen Board has made no finding, and the amount prescribed by Dr. Wiley has been set aside, and there is just one thing that stands between us and the excessive use of this preservative in fruit, and that is the seared conscience of the man who prepares the fruit. If that is

a recommendation for the Remsen Board, I fail to see the value of it. Apparently the gentleman from California is satisfied with the Remsen Board. Why? Because the Remsen Board has set aside the order of Dr. Wiley and utterly failed and refused to make an order of their own, and the fruit growers of California and other places are permitted to use all the sulphur they desire without any limitation by anybody.

Mr. HIGGINS. Mr. Chairman, will the gentleman yield?

Mr. LAMB. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto close in four minutes. That will give gentlemen plenty of time.

Mr. MORSE of Wisconsin. Mr. Chairman, I hope this motion will not be taken out of my time.

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Virginia for the purpose of the motion?

Mr. MORSE of Wisconsin. I do not, Mr. Chairman.

Mr. LAMB. Mr. Chairman, I understood that the gentleman's time had expired.

Mr. MORSE of Wisconsin. Mr. Chairman, I yield to the gentleman from Connecticut.

Mr. HIGGINS. Mr. Chairman, of course the gentleman knows as a matter of fact and as a matter of administration of the pure-food law that the Referee Board makes no order at all, nor has it any power to make any order.

Mr. MORSE of Wisconsin. I know that the Referee Board made no order at all. I know from what the gentleman from California has said, if he is correct in his statement, that the Referee Board has made no finding at all, and that there can be no order made, and that there has been no order made, because the board has made no finding. Therefore I say that the people who are preserving this fruit have no limit except the limit which their consciences prescribe. I do not want to trust my stomach to the consciences of that kind of people.

Mr. HIGGINS. The gentleman understands that there are other questions that have been submitted and are now being considered by the board.

Mr. MORSE of Wisconsin. Some few questions have been submitted and some few questions have been determined.

Mr. HIGGINS. I differ with the gentleman. There are not many.

Mr. KAHN. Mr. Chairman—

Mr. LAMB. Mr. Chairman, I renew my motion now that all debate on this paragraph be closed in five minutes.

Mr. KAHN. Mr. Chairman, I yield to the gentleman from Virginia [Mr. LAMB] for the purpose of making a motion.

Mr. LAMB. Mr. Chairman, I renew my motion that in four or five minutes, anyhow, all debate on the pending paragraph be closed.

Mr. FOSTER of Illinois. This is an important subject, I will say to the gentleman.

Mr. LAMB. Yes; it is; but I must insist that we move on a little faster.

Mr. BARTLETT. How much time does the gentleman from Illinois require?

Mr. FOSTER of Illinois. Oh, say, five minutes.

Mr. LAMB. I agree, but that is the last of it. Mr. Chairman, I move that all debate on this paragraph be closed in 10 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Chairman, the gentleman from Illinois [Mr. MANN] said that these important questions could be and should be decided by the courts. There is no doubt but that the ultimate decision will rest in the courts. As I stated before, the Remsen Board was created during the discussion of the question of the sulphuring of fruit in the process of drying it. The gentleman from Illinois states that the same result could have been obtained by the fruit growers of California if they had taken the matter into the courts. Let me assure the gentleman from Illinois [Mr. MANN] that the question was brought to a head at the very time that the fruit-drying season was about to commence. There is upward of \$15,000,000 worth of dried fruit produced per year in the State of California. The fruit is set out in trays, and every traveler going over the railroads of that State will see thousands of acres of trays of fruit drying under the rays of the glorious sun that shines unobscured in California during the season from April to November. We use no kilns for the purpose of drying. It is all done in the open air. The quantity of sulphur that is used in the process is probably not as great as the quantity that is used in Germany. Germany has a board which is analogous to the Remsen Board. England has a similar board, and France has a similar board; and these boards, after conducting experiments, report their findings and then laws are predicated upon those findings. It was a case that required speedy action, and the Remsen

Board was appointed. I agree with the gentleman from Illinois that there was full warrant in the law for the appointment of this board. To have appealed to the courts for relief would have spelled ruin to a great industry. The situation required immediate action. The law's delay would have been ruinous. The gentleman from Wisconsin [Mr. Morse] intimates that the quantity of sulphur that is used in California in the process of drying fruit is deleterious to the public health.

I stated a while ago, when the gentleman from Illinois [Mr. MANN] made the remark that he had used California dried fruit for years, that he himself is a living example of the benefits of eating California dried fruit. [Laughter and applause.] He does not show any evidence of having been seriously affected by its use. And if the quantity of sulphur used was so large that the health of individuals would be endangered, instead of the demand for California dried fruit constantly increasing from year to year, the California fruit driers would not be able to sell their products. The gentleman also complains because the board has not rendered its decision regarding the use of sulphur. The gentleman has forgotten that the board has also been conducting experiments with other preservatives, and that it has rendered a number of highly important decisions. Although the Remsen Board has not yet rendered its decision in regard to the use of sulphur in drying fruit, we feel confident, from the standing and character of the gentlemen that compose the board, that they will render such a decision as will, at least, be respected by the fruit driers of California.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FOSTER of Illinois. Mr. Chairman, I desire to detain the committee but a moment. This matter of pure food is, to my mind, of a great deal of importance to the people of the country. The questions of misbranding foods, Dr. Wiley, and the Remsen Board have been in the newspapers almost ever since the pure-food act was passed. I imagine that a good deal of the fight on Dr. Wiley and his methods, although not all of it, has been made by people who want to misbrand and put up adulterated food. I think this Congress could well afford to throw all the safeguards possible around this Bureau of Chemistry, so that the pure-food act may not be broken down. It is possible that one man ought not to have arbitrary power, because he might do a great deal of harm, and yet I want to remind you of this fact, that in all the decisions of Dr. Wiley they have been made, as he believes, on the side of the people, to give them purer food than they have ever had before.

I was somewhat amused when I thought of my friend from California complaining a good deal about the fruit of that great and enterprising State. The enterprising men that they send here to Congress are always ready on every occasion to stand up for the State and its great industries. I have seen their fruit being dried out there in the sun, as spoken of by my good friend [Mr. KAHN]. It gathers, I suppose, the dust and dirt that flies in the atmosphere; gathers the bugs that may, perchance, light upon that food in order to eat it and to lay their eggs, and then when the fruit is sufficiently dried by the sun it is taken into the houses and there it undergoes a process in order to kill the bugs and the germs and embalm them, so that they will keep. [Laughter.] And it is of great advantage to the people of this country that they may eat embalmed bugs instead of seeing the live bugs in order that they may avoid them. And so this great enterprising State and these enterprising, smart, shrewd Representatives that they send here to this Congress advocate the fruits that are prepared in the great State of California. We ought to all be thankful, and when I look at my good friend from Wisconsin [Mr. COOPER] I know that he feels thankful in his heart that the Remsen Board has not yet excluded the use of sulphur for embalming the fruits of California. [Laughter.]

And then they are not going to misbrand their drinks that come from that great State. We can look at the label and see where that good drink has been made, and know that it is pure and know that it is just right because it comes from the great State of California. And then it is said here that they will not mix up these oranges that come from the State of Florida with the oranges that come from the State of California. I have seen upon this floor many, many times such enterprise and such great zeal and enthusiasm for the products and the people of California that I can only admire what the Representatives of that State do here, and we can well see how that State has progressed. And in spite of the fact that it is so far from the East when one of our people get out there he never comes back, because they talk to him, and their enterprise and ways of doing things keep him there, and he is so far away that he can not get money enough to return to the East. Cali-

fornia is a great State. It is to have two exhibitions held in it at one time. I tell you we ought to be thankful for the State of California and what it is doing for us. [Laughter and applause.]

The Clerk read as follows:

BUREAU OF SOILS.

Salaries, Bureau of Soils: One soil physicist, who shall be chief of bureau, \$4,000; 1 chief clerk, \$2,000; 1 executive assistant, \$2,000; 3 clerks, class 4; 2 clerks, class 3; 3 clerks, class 2; 1 clerk, \$1,260; 8 clerks, class 1; 4 clerks, at \$1,000 each; 3 clerks, at \$900 each; 1 soil cartographer, \$1,800; 1 soil bibliographer, \$1,400; 1 photographer, \$1,200; 3 draftsmen, at \$1,200 each; 1 draftsman, \$1,000; 1 messenger, \$840; 2 messengers, messenger boys, or laborers, at \$480 each; 1 laborer, \$600; 1 laborer, \$300; 1 charwoman or laborer, \$480; in all, \$50,540.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out this paragraph.

The CHAIRMAN. The Clerk will report the amendment.

Mr. FOSTER of Illinois. Rather I make, first, a point of order upon line 18, which shows the increase of \$400.

Mr. LAMB. It is a mere transfer.

Mr. FOSTER of Illinois. Is not that an increase?

Mr. LAMB. No.

Mr. FOSTER of Illinois. I beg the gentleman's pardon. I move to strike out the paragraph.

Mr. Chairman, I do this for the purpose of testing this committee upon the question of the soil survey. Not that I am opposed to the soil survey nor the head of this work, for I have confidence in his ability and honesty of purpose, because if the committee should vote to strike out this paragraph I should like to insert a similar paragraph under the Bureau of Plant Industry. But I believe, and it has been so stated by Members and in former Congresses, that this Bureau of Soils ought to be by all means in the Bureau of Plant Industry. It has been stated that we have men who go out and make investigations of the soil. They issue beautiful maps of certain sections of the country. They show what those soils may contain or may not contain, and yet when that is over it is about all there is to it.

Mr. LAMB. This is for the physical work.

Mr. FOSTER of Illinois. I want to say this, that if we had this soil survey in connection with the Bureau of Plant Industry that this plant industry might go ahead when soil surveys have been made and illustrate what is lacking in the soil and what is necessary to put there to make the soil productive of certain crops. That is what ought to be done. And I believe it can not be done successfully and that it never will be done successfully until this matter of soil survey is placed with the Department of Plant Industry. I agree that the plant industry of the country is of great value. I fully agree that the soil survey of the country is of great value, but it can be made much more effective if the two were consolidated in one bureau. Yet as to this soil survey which is made by the National Government I do not believe, so far as the benefits are concerned, that we do derive the good that we ought to receive from the expenditure of this large amount of money, but not due to any fault of the bureau. In the State of Illinois I am glad to say that every county in that great State is being looked after in the soil survey and an analysis of the soil is made by our own State.

Mr. LAMB. I am glad to hear it.

Mr. FOSTER of Illinois. And I want to say this, that when that soil survey and analysis is made there is immediately instituted the plant-industry investigation, which goes to show what can be done with plants when the proper elements are put into that soil. We do not intend in our State to make soil surveys and then stop and do no more. We expect to go ahead and demonstrate to the people along with the soil survey what that soil will do when the proper elements are placed in it and the best way to do it. I believe that if this soil survey was put into the Bureau of Plant Industry we would get much more benefit from it than we are now receiving.

Mr. RAKER. Mr. Chairman, will the gentleman yield there for a question? His time has not expired.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSTER of Illinois. Certainly.

Mr. RAKER. Does not the soil survey now make analyses of the soil and determine what plants are best adapted to the soil?

Mr. FOSTER of Illinois. Yes; to some extent, I suppose; but there is no one to come along afterwards and make the demonstration of what can be done. They do not make these chemical analyses in such a way that the people may get the greatest good out of it.

Mr. RAKER. I understood they are making these chemical analyses and determining what is best to put on the land. I am

sending hundreds of these reports to the State of California to show what can be raised on particular tracts of land.

Mr. FOSTER of Illinois. For chemical investigations we appropriate \$18,135, which is insufficient to do the work in a proper manner.

Mr. RAKER. I agree with the gentleman in his opinion. I thought they were doing that now.

The CHAIRMAN. The pending motion is the amendment of the gentleman from Illinois [Mr. FOSTER] to strike out the paragraph.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For physical investigations of the important properties of soil which determine productivity, such as moisture relations, aeration, heat conductivity, texture, and other physical investigations of the various soil classes and soil types, \$11,265.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. MANN. What is the theory, may I ask, in changing the bill with reference to these soil items? You carried last year for the investigation of the relation of soils to climate and organic life and of the texture and composition of soils in the field and laboratory \$51,600. You have segregated, I suppose, that item into three or four items. What is the purpose of that?

Mr. LAMB. That has been done. The gentleman is correct in that. The chief of the bureau states that three years ago the direction of the committee to them was that they wanted their appropriation separated in a number of items; that is, they wanted a number of items in the lump fund instead of a relatively large amount for general purposes, so that the bureau would know exactly what it should do under the law as to each of these objects. There is no purpose of changing the character of the work, but merely to give the bureau more specific authority for the work. The additional language that appears is merely for that purpose, inasmuch as nothing is being attempted that is not being done at the present time.

Mr. MANN. Have they been interfered with under the existing law?

Mr. LAMB. No. The committee asked them to segregate these items.

Mr. MANN. I did not think it was the committee. How was this estimated?

Mr. LAMB. It was estimated by the department, of course. They recommended that it be divided up.

Mr. MANN. Was it estimated separately, or was it not?

Mr. LAMB. I do not think it was.

Mr. MANN. You say the committee did it. Here was a general provision for an investigation of the relation of soils to climate and organic life and of the texture and composition of soils in the field and laboratory. The gentleman says they did not intimate that they wanted to change the work, and that they have not been interfered with under that provision. Everyone knows, however, that when you go to particularizing either one of two things happens. Either there is a restriction of authority or else an extension of it. Here you do not restrict their authority, and what I want to know is in what way you propose to extend it.

Mr. LEVER. The item of \$51,600 contained in the bill last year for the investigation of the relation of soils to climate and organic life and the texture and composition of soils in the field and laboratory has been divided up as follows—divided up not by the committee, but by the bureau itself, through the Secretary of Agriculture—into three items, which, if the gentleman desires, I will read.

Mr. MANN. Oh, the items are in the bill. What is the purpose of putting all this in here—soil composition and soil minerals, the soil solution, solubility of soil, and all chemical properties of soils in their relation to soil formation, soil texture, and soil productivity, and so forth, such as is given below—the determination of the soil's productivity, such as moisture relations, aeration, heat conductivity, texture, and other physical investigations of the various soil classes and soil types? Now, if that was not included in the original language, why is it proposed to be inserted in the bill? And if it was in the original language, what is the purpose of particularizing here, so that they may run up against a decision of the comptroller pretty soon?

Mr. LEVER. Let me suggest to the gentleman from Illinois that he remembers the time when the agricultural appropriation bill was very severely criticized on the floor of the House for the reason that it did not provide for the breaking up of the lump-sum appropriations in the bill.

Mr. MANN. I recollect that, and I recollect I helped to criticize it myself. If the gentleman can explain what these different items mean, segregated, very well. I understood what the original item meant. I do not understand what this means.

Mr. LEVER. The gentleman will see that these segregated items mean no less and no more than the original language, except that they are broken up into specific projects so that the committee and the House hereafter may know exactly how much money is being expended upon each of the projects; so that we may be informed as to whether or not we desire to continue the expenditures along the lines suggested in the segregation of these amounts.

Mr. MANN. As a matter of fact, no one on earth can tell or differentiate between the work that can be done in the first two paragraphs that the gentleman refers to. One includes soil productivity; the other is for the physical investigation of the soil, which determines soil productivity. What is the difference between determining soil productivity and investigations in regard to the soil, which determines soil productivity? If anybody can find the difference between those, I will give him a new hat. [Laughter.]

Mr. LEVER. The first is an investigation of soil composition and soil minerals and soil solution and all chemical properties of soil in relation to soil formation.

Mr. TILSON. Is not this the distinction: The first is treated chemically and the second by physical investigations?

Mr. LEVER. Exactly. I was about to say that.

Mr. LAMB. One is chemical and the other is physical.

Mr. MANN. That may be.

Mr. LAMB. We give them no more money. If they choose to divide it up between chemical and physical investigations, we have no objection.

Mr. MANN. I have been around long enough to know that when these things are divided up by the department it is done either to get more jurisdiction or else it is through a mistake on the part of some clerk, who sooner or later will find that he is up against a decision of the comptroller for being too particular.

Mr. LAMB. Possibly there may be some ulterior motive in dividing this work up. I do not think so. We understand that these investigations are to be divided into chemical and physical investigations. We are not going to give them any more money.

Mr. MANN. The gentleman is concerned only about how much money we give them.

Mr. LAMB. I fail to see any harm in what they are trying to do. The physical examinations must be followed up by chemical examinations in order to reach results.

Mr. MANN. Now, while the gentleman is on his feet, I would like to ask him another question: Last year we inserted in the bill on the floor an item in relation to the supply of potash, and so forth. Is that proposed to be carried on by the item on page 54, under the head of fertilizer investigations?

Mr. LAMB. Yes.

Mr. MANN. Here it is mixed up with another item in reference to farm manures. I am decidedly opposed to that. I ask, Why should we not have that item by itself? The gentleman is talking about segregating. Instead of segregating he lumps two matters together, where nobody knows what they will be expended for. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The Clerk will read.

The Clerk read as follows:

For fertilizer investigations into the natural and artificial sources of supply of fertilizer material and methods of handling fertilizers and farm manures, \$25,000, of which sum \$10,000 shall be immediately available.

Mr. FITZGERALD. I reserve a point of order on that.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. MANN. May I ask the gentleman whether this is intended to cover the investigation of the sources of potash?

Mr. LAMB. Yes; that is true.

Mr. MANN. How much of it is for that purpose, and how much is for the investigation of the methods of handling farm manures? What relation is there between investigating the possible natural sources of potash supply in this country and the investigation of farm manures and the handling of farm manures? I can not imagine any two things wider apart.

Mr. FITZGERALD. The gentleman from Illinois is not an up-to-date scientist. [Laughter.]

Mr. LAMB. This is an increase of \$12,500, of which sum \$10,000 is to be made immediately available, and is for the purpose of continuing fertilizer investigations and methods of handling fertilizers and farm manures. Last year Congress gave an appropriation of \$12,500 and directed the bureau to search the country for possible sources of supply of potash and

nitrites, and that work has been prosecuted very vigorously, and the bureau has achieved rather phenomenal success. It has searched the desert basins for possible surface deposits of potash and of nitrites, and has made an investigation of the mines and salt deposits in the salt wells and salt mines of the country. It has investigated the possibilities of obtaining supplies of potash from the sea kelp, especially on the Pacific coast, where it has been found that they are far richer in potash than on the Atlantic coast or in most other localities the bureau knows of in the world.

The following remarks by Dr. Cameron made before the committee give the result of this work in detail:

The authority granted the bureau in the wording of the appropriation was very broad, and it has interpreted it in that spirit, and has made an investigation of the three general classes of fertilizers, their sources of supply, and, to a certain extent, into the manipulation of this material to put it in form for the farmers and for use on the soil and with plants. The bureau has carried on investigations into phosphates, especially in Kentucky and Arkansas and Tennessee, following up work which they had done previously in Florida and in the western areas. The bureau has somewhat extended the area of available fields of phosphate, has investigated the cost of production and the cost of manipulation in the factory, and all of these data are included in the report which has just been completed. The bureau has also carried on investigations in regard to nitrogenous fertilizers, especially ammonium sulphate. We are coking enough coal in this country to produce something like 650,000 tons, roughly speaking, of ammonium sulphate, but we are actually producing about 35,000 tons, the rest of the ammonia being thrown away at present, and we are importing about 104,000 tons, especially from England and Belgium. Heretofore they have thrown it all away, but during the last few years they have been putting in the modern by-product oven, in contrast to the old beehive oven, and they are making ammonium sulphate.

That is what we had from the hearings, and I have read it here so as to give it to you, *multum in parvo*.

Mr. MANN. Do I understand that the appropriation we made last year for the investigation of possible sources of potash in this country has been diverted to these other purposes?

Mr. LAMB. No; not entirely.

Mr. MANN. What have they been making these investigations under? Not under this item.

Mr. LEVER. Let me say to the gentleman from Illinois [Mr. MANN] that the language of the item carried in last year's bill was—

For exploration and investigation within the United States to determine the possible sources of supply of potash, nitrites, and other natural fertilizers.

Mr. MANN. I understand. That does not include the manufacture of any form of ammonia from coking.

Mr. LEVER. I will say to my friend that the language of this item carried in the bill this year does not provide for that, in my judgment.

Mr. MANN. That was what the chairman read, to show how important it was. Now, last year we were confronted with this situation: Germany is the source of supply of our potash. We were dependent upon Germany for our supply of the potash which is necessary in the manufacture of fertilizers. The German Government at that time was holding up some contracts which some of our people had been able to slip in and get, one night between 12 o'clock and 10 minutes after 12, when the syndicate for that length of time was broken up. We undertook then to find whether we could discover potash supplies in this country. We put one item in the agricultural bill and one in the sundry civil bill. Mr. Tawney, chairman of the subcommittee on the sundry civil bill, made a point of order on the amendment. I was in the chair on that bill, and I asked Mr. Tawney to withdraw his point of order, because, if we could discover a supply of potash in this country which would render us free from the tribute that the rest of the world has to pay to Germany for its supply of natural potash, it would be the greatest discovery that could happen to this country for the benefit of the farming community. We put that item in last year, and apparently the purpose is to divert it to something else.

Mr. LAMB. No; I think the gentleman is mistaken.

Mr. MANN. But we had in mind the discovery of a natural supply of potash. Have they used it for something else?

Mr. LAMB. The language that has been stricken out contained the words "natural fertilizers," and in place of that we put farm manures.

Mr. MANN. We put that wording in because there might be a question as to just what the investigation was to be in the study and effort to discover natural potash. They have made an investigation on the Pacific coast of a certain kind of sea kelp, claiming that that furnishes a supply of potash. That would cover any other natural fertilizers in connection with it, but the appropriation was put there for that purpose and that purpose solely, and I do not believe the department has expended it for these other things.

Mr. LEVER. Mr. Chairman, the gentleman from Illinois [Mr. MANN] is entirely correct, not only in his recital of the history for the reason for the insertion of this paragraph in the appropriation bill, but also in his understanding of the purposes for which this appropriation was to be used. As far as I am concerned, I see absolutely no objection to amending this item so as to meet the view of the gentleman from Illinois, and I would suggest this to him as an amendment to the present language:

For exploration and investigation within the United States to determine a possible source of supply of potash, nitrate, and other natural fertilizers, \$25,000, of which sum \$10,000 shall be immediately available.

In connection with that I desire to say that my understanding is that none of the appropriation here asked for is to be used at all in carrying out the authority given under the words "and methods of natural fertilizers and farm manures." The purpose of the increase in the appropriation is to enable the department to extend its work in trying to discover potash deposits in this country, and in connection with that I desire to say that the department has made wonderful progress in this direction and believes that it has discovered on the Pacific coast a source of potash supply that will absolutely give to this country all of the potash it needs, and a very great deal more than it needs, and that it can be manufactured and paid for with the by-product that comes from these kelp beds, as I believe they are called. I feel a good deal of personal pride in this proposition, because it was my amendment that authorized the investigation, and the results of the investigation have been so great that it has induced the President of the United States to send the Congress a special message commending the Department of Agriculture for its splendid work.

Mr. Chairman, I would like to ask the gentleman from New York if he insists upon the point of order?

Mr. FITZGERALD. Mr. Chairman, I want to know the reason that induced the Committee on Agriculture to report a deficiency appropriation in this bill—in this item.

Mr. LEVER. We have not done that.

Mr. MANN. Oh, yes; the \$10,000 to be immediately available would make it a deficiency appropriation.

Mr. LEVER. Yes; if the gentleman desires to call that a deficiency.

Mr. FITZGERALD. Mr. Chairman, if the department has expended all the funds appropriated for this year and needs additional funds, it should do as the law requires—submit an estimate for an investigation to determine whether it is necessary.

Mr. MANN. This item went into the bill last year as the gentleman now wishes to offer it from the floor and not from the department, to make these investigations concerning any natural supply of potash. I think the appropriation is not entirely exhausted, and the department is quite content to proceed, as far as it is concerned, with the money that is on hand. On the other hand, if we can discover—and it looks as though we would be able to discover—a source of potash supply in this country it is worth millions of dollars to our people both in the way of obtaining potash cheaper and obtaining the supply at home.

Mr. LEVER. And of breaking the monopoly.

Mr. MANN. Mr. Chairman, we all know that the German syndicate absolutely controls the price of potash. It completely controls the mines. We talk about trusts here, but that is an absolute syndicate over there, controlled entirely, and when it broke up for a few minutes and they got contracts, as I narrated before, the Government over there promptly put an export tax on any potash that was exported under these contracts, and they were required to go with the combination. If we can discover this, it will be of great value, and they can use this money. That is all there is to it.

Mr. FITZGERALD. Oh, yes; they could use twice as much.

Mr. MANN. I mean they could use it profitably and beneficially.

Mr. FITZGERALD. Let me say this: The gentleman has told one side of the story. It is apparent that this appropriation was made without being estimated for by the department, because this bill never carries an appropriation for any service in the Agricultural Department that is not more than sufficient for the service during the fiscal year. An examination of the unexpended balance in these appropriations shows that Congress is more than lavish, and even this department can not spend the appropriations that are made.

Mr. MANN. It shows that it is expended economically. The gentleman ought to give the department credit for that.

Mr. FITZGERALD. No. This department would render more efficient service if it had from two to three million dollars less money than it has got now.

Mr. LAMB. Where would the gentleman start to cut?

Mr. FITZGERALD. I would cut the force here in Washington.

Mr. MANN. The gentleman, of course, represents a city district like myself.

Mr. FITZGERALD. And we are scientific agriculturists. [Laughter.]

Mr. MANN. I am. I do not know that the gentleman is.

Mr. FITZGERALD: You can not walk through the offices up here in this department. The people are so crowded that they are in one another's way. They have three or four men watching one blade of grass grow, whereas if they had one man to watch half a dozen blades of grass grow it would thrive much better.

Mr. MANN. I do not know about that. I do know this: They have not only made two blades of grass grow where one grew before, but they have made many blades of grass grow where none grew before.

Mr. FITZGERALD. That might be true, but they could do it with a lot less people. The law is quite clear. If this department needs additional money for this fiscal year in this service, it should submit an estimate in conformity with the law for a deficiency appropriation. If these appropriations were not made so large in this bill, and this department was required occasionally to make a request for appropriations to supply deficiencies when they legitimately exist, we would be able to reach some of the unnecessary places in the department and effect considerable reform.

Mr. LAMB. Mr. Chairman, this is the lowest appropriation that has been made for several years.

Mr. FITZGERALD. It is the only appropriation that has ever been made for this service. Only one appropriation has been made for this work. Last year there was an appropriation of \$12,500, of which \$2,500 was made immediately available, for the balance of that fiscal year. They had \$10,000 for this fiscal year. Now it appears that they need \$15,000 for next year, and they would like to have \$10,000 for the balance of this year. I do not know what the prospects of final action on the agricultural bill are; but judging from some things that men who have been here for some time can judge by, in connection with appropriation bills, it does not appear that many appropriation bills are likely to become law until just about the termination of this fiscal year. Whether this is an important work or not, there is something else just as important, and that is to have the Department of Agriculture just occasionally—just for a change, just to have it keep informed of the law, that such laws do exist—transmit some estimates in compliance with the law. As far as I am concerned, I shall do my best to prevent deficiency appropriations being carried in the agricultural appropriation bill.

Mr. LEVER. Mr. Chairman, will the gentleman yield for a moment?

Mr. FITZGERALD. Certainly.

Mr. LEVER. I am informed by officials of the department that the \$10,000 asked to be made immediately available is to be used in mapping the kelp beds of the Pacific coast, in order that they may indicate to private individuals the location of the most productive and workable ones that have been discovered under the investigations carried in this item; and I want to say to my friend from New York that he can not realize the importance, I am afraid, coming from a city district, of discovering some valuable source of potash control in this country by the American people.

Mr. FITZGERALD. Mr. Chairman, let me suggest to the gentleman from South Carolina that the mere fact that people live in a city does not make them so absolutely dense that they are unable to appreciate anything whatever relating to the agriculture of the country. Some of the greatest agriculturists in our country live in the great cities.

Mr. LEVER. The gentleman from New York does not know the difference between oats and wheat until they get in the head, and I dare him to deny it.

Mr. FITZGERALD. Perhaps I have sown as many of both as has the gentleman from South Carolina.

Mr. LEVER. Yes; but the gentleman has sown them when they had been gathered. [Laughter.]

Mr. FITZGERALD. I have seen more grown than the gentleman has in his State.

Mr. LEVER. Mr. Chairman, I ask for a ruling on the point of order.

The CHAIRMAN. The Chair will ask the gentleman from New York to state the point of order.

Mr. FITZGERALD. Mr. Chairman, it is a deficiency appropriation, and the Committee on Agriculture has no jurisdiction over deficiency appropriations. It makes a part of the appro-

priation immediately available. If the Chair is in doubt there are a number of rulings to which I can refer the Chair.

The CHAIRMAN. If the gentleman makes the point of order to the entire paragraph the point of order to the entire paragraph must be sustained.

Mr. LEVER. Mr. Chairman, I think there is no doubt about the point of order lying against this proposition. I propose to offer an amendment to take care of the proposition as follows, to amend by inserting as a new paragraph:

For exploration and investigation within the United States, to determine a possible source of supply of potash, nitrates, and other natural fertilizers, \$25,000.

The CHAIRMAN. The Clerk will report the amendment. The paragraph is stricken out on a point of order.

Mr. LEVER. I understand that, Mr. Chairman, but I am offering this proposition as a separate paragraph.

The CHAIRMAN. The Clerk will report the amendment if the gentleman will send it to the desk.

The Clerk read as follows:

For exploration and investigation within the United States, to determine a possible source of supply of potash, nitrates, and other natural fertilizers, \$25,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the investigation of soils and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, \$155,000.

Mr. TALCOTT of New York. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 13, strike out the words "one hundred and fifty-five thousand" and insert the words "one hundred and sixty-five thousand."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. TALCOTT].

The question was taken, and the amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill why the proviso which was included in the act of last year, "Provided, That no more than 10 per cent of this sum should be expended in any one State," was left out of the present bill?

Mr. LAMB. That is in the permanent law.

Mr. TILSON. It is not permanent law in the proviso as carried last year.

Mr. LAMB. The provision in last year's bill, "That not more than 10 per cent of this sum shall be expended in any one State," has also been omitted at the request of the chief of bureau.

The demand for soil-survey work is growing rapidly and is becoming more insistent. The demand comes from State legislatures which are appropriating, or propose to appropriate, money to cooperate with and support the soil surveys through various State agencies; from Federal bureaus which require soil surveys as a basis for the best prosecution of their own projects; and from municipal organizations, boards of trade, and prominent citizens in different parts of the country. Approximately \$45,000 of the present appropriation is spent annually in reconnaissance surveys, mainly in the Great Plains region, and of the remaining \$100,000 for detailed surveys approximately \$55,000 is spent in cooperative States, leaving a balance of \$45,000 for the remaining 36 States and Territories. It is considered that \$10,000 additional should be appropriated for the small distribution of surveys outside of those States.

Mr. TILSON. My question was why the limitation was removed.

Mr. LAMB. I have given you the reason. It was because the bureau asked for it, and I gave you the reason why they asked for it.

Mr. TILSON. It is their purpose, if one State is willing to cooperate to a greater extent than another, to expend more than 10 per cent in one State?

Mr. LAMB. Yes.

The Clerk read as follows:

For general administrative expenses connected with the above-mentioned lines of investigation, \$4,280.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the paragraph.

On page 53, beginning "General expenses, Bureau of Soils," the language of the bill is as follows:

General expenses, Bureau of Soils: For all necessary expenses connected with the investigation and experiments hereinafter authorized, including the employment of investigators, local and special agents, assistants, experts, clerks, draftsmen, and labor in the city of Wash-

ington and elsewhere: official traveling expenses, materials, tools, instruments, apparatus, repairs to apparatus, chemicals, furniture, office fixtures, stationery, gas, electric current, telegraph and telephone service, express and freight charges, rent outside of the District of Columbia, and for all other necessary supplies and expenses, as follows:

Then there are five or six paragraphs, authorizing certain lines of investigation and appropriating money for the purpose. And out of each one of the specific appropriations can be paid expenses of the character which I have read. The total appropriations of these various paragraphs is \$236,600.

It can not be possible that any line of expenditure could have been overlooked in the language incorporated on page 53. This is what is sometimes referred to in some of the departments as a "slush fund."

Mr. LAMB. There is no "slush fund" in this bill.

Mr. FITZGERALD. I am going to define what they call it in the departments.

They have every conceivable authority for the expenditure of money out of the specific appropriations. Lest perchance the ingenuity of man has overlooked something, they put in a little additional appropriation, so that by any possibility they might not be hampered in expenditures.

Mr. LEVER. The gentleman will recognize and admit that this language has been in the bill ever since the committee adopted the plan of dividing up and segregating these various lump-sum appropriations?

Mr. FITZGERALD. This particular paragraph has been. But it is made available for the same purposes as the specific appropriations enumerate.

Mr. LEVER. The language that the gentleman read a moment ago has not been changed in the bill at all. It has been carried from year to year.

Mr. FITZGERALD. Oh, yes; there is much additional. "Telegraph and telephone service, express and freight charges, rent outside of the District of Columbia, and for all other necessary supplies and expenses," and that which follows, are in the bill for the first time, and make each of these specific appropriations available for every conceivable expense in the conduct of the investigation.

By the incorporation of the language on page 53, to which I have called attention, all of the \$236,000 appropriated for these investigations is made available for general administrative purposes.

Mr. LEVER. This is the suggestion, as the gentleman must see by reading the segregated items as they appear following the general-expense items. For chemical investigation of the soil, for instance, so many dollars; for physical investigation of the important properties of the soil, so many dollars; for soil-fertility investigation, so many dollars; for investigation with reference to the potash supply, so many dollars; investigation of soils and for indicating upon maps and plats, by coloring or otherwise, so many dollars.

And then following that:

For general administrative expenses connected with the above-mentioned lines of investigations, \$4,280.

These other little things that must necessarily come up in the administration of these other items are carried in this item by direction of this Congress by reason of the suggestions the committee received upon the floor of the House several years ago, as the gentleman will remember.

Mr. FITZGERALD. Does it not seem apparent to the gentleman from the way in which this bill is now prepared that out of this item for soil types, amounting to \$18,135, there can be paid in connection with such investigations every conceivable form of service enumerated in that first language?

Mr. LEVER. That is very true perhaps; and yet, for administrative purposes, and in order that the Congress may be informed exactly as to how this money is being expended, all of these expenses for administrative purposes have been combined and united into one item, which we think is good economy and good administration.

Mr. FITZGERALD. It would be if none of these other appropriations could be expended for that purpose.

Mr. LAMB. Let me say to the gentleman right there that each one of these accounts is set off by the accountant of the department. He keeps a debit and credit account of the expenditures under each of these items, and he will give a voucher for the expenditures.

Mr. FITZGERALD. That is not the point I am making.

Mr. LAMB. I mention that to show that there will be no "slush fund" about this.

Mr. FITZGERALD. Well, it is.

Mr. LEVER. Is it true that the gentleman argues, as, for instance, in this first item for chemical investigation of soil types, soil composition, and so on, there can be paid any amount

for expenses such as is carried in this item to which he makes objection?

In other words, what I mean to bring out is this, that in the items to which the gentleman refers—for the chemical investigation of soil types—the language of the law requires that this appropriation shall be used for this particular purpose. Now, then, on the other proposition the amount of \$4,000, or whatever it is, must be used for administrative expenses, which can not be paid, under the very language used in the bill, from the items preceding that.

Mr. FITZGERALD. After they have paid the general administrative expenses of the Bureau of Soils connected with the specific investigations they are authorized to make there are no general administrative expenses. That will be very readily discovered.

Mr. LAMB. There are little items that will have to be paid with this amount of \$4,000.

Mr. FITZGERALD. What are they?

Mr. LAMB. The gentleman from South Carolina mentioned them just now.

Mr. LEVER. Items of telephones, and lights, and many little things.

Mr. FITZGERALD. They may all be paid out of these other items.

Mr. LEVER. That may be, but the committee has no information upon that point and no testimony to that effect.

Mr. LAMB. The vouchers will show.

Mr. FITZGERALD. Of course the vouchers must show in order to be charged up against these appropriations; but this provision has already made available the appropriations for those services and for expenses.

Mr. LAMB. If the money is not used, it will be turned back into the Treasury.

Mr. FITZGERALD. That is no excuse. On that theory you could appropriate a million dollars—on the theory that if they did not use any more than \$4,000 the remainder would be turned back into the Treasury.

Mr. LEVER. This discussion all shows how poorly a lot of ordinary farmers like the chairman and myself are fitted to cope with the shrewd Irish wit of the gentleman from Brooklyn. [Laughter.]

Mr. FITZGERALD. I assumed that the gentleman in using this language had inadvertently continued this particular paragraph in the bill.

Mr. FOWLER. Not as much is appropriated this year as was appropriated last year for administrative expenses.

Mr. HAWLEY. May I say to the gentleman from New York that all these items for investigations are intended for purely scientific work?

Mr. FITZGERALD. What is purely scientific work? In such investigations there will be incurred traveling expenses and electric-light service and telegrams and other matters. All is not paid in salaries to these experts.

Mr. LAMB. Mr. Chairman, let me ask the gentleman what he would substitute for the term "general expenses"? What would the gentleman suggest?

Mr. FITZGERALD. My own opinion is that the gentleman should either strike it out or put in a provision to the effect that these other items should not be available for these services and charges.

Mr. LAMB. The gentleman does not make a point of order against it.

Mr. FITZGERALD. Oh, I can not make a point of order against it. I have moved to strike it out.

The CHAIRMAN. The pending amendment is the amendment offered by the gentleman from New York [Mr. FITZGERALD]. The question is on agreeing to that amendment.

The question was taken, and the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I would like to ask the chairman of the committee a question, and for that purpose I move to strike out the last word. Under the provisions of this act, how are these investigations conducted?

Mr. LAMB. I did not catch the gentleman's question.

Mr. CULLOP. I say, in the various investigations provided for here, how are they conducted? Are they conducted by men going out from the department here or through the several agricultural colleges of the different States?

Mr. LAMB. The soil surveys are made by soil parties, who go out into the various States and make these physical surveys.

Mr. CULLOP. Do they go out from the department here in Washington?

Mr. LAMB. Yes.

Mr. CULLOP. Then, Mr. Chairman, I wish to offer the following amendment as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The Clerk read as follows:

That under the several amounts appropriated for the various investigations named for the Bureau of Soils the same shall be conducted by the agricultural colleges of the several States, which work shall be performed in each State under the direction of the agricultural college of such State.

Mr. LAMB. I make the point of order against that.

Mr. CULLOP. I would like the gentleman to reserve it for a moment.

Mr. LAMB. Oh, there is no use in discussing a matter of that kind, my friend. [Laughter.]

Mr. CULLOP. I think there is, when you are expending the people's money in this way.

Mr. LAMB. I can not see it. The gentleman knows as well as anybody that his amendment is subject to a point of order. If the gentleman were in the chair and were called upon to rule on the question he would laugh. [Laughter.]

The CHAIRMAN. The Chair is ready to rule. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For investigations of insects affecting southern field crops, including the cotton boll weevil and other insects injurious to cotton, insects affecting tobacco, rice, and sugar cane, the Argentine ant, and life-history studies of ticks, \$35,000.

Mr. WICKLIFFE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. WICKLIFFE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 56, line 19, strike out the words "thirty-five thousand dollars" and insert the words "forty-seven thousand one hundred and sixty dollars."

Mr. WICKLIFFE. Mr. Chairman, the object of this amendment is to make the appropriation the same as it was in the preceding bill and to carry the amount that the Department of Agriculture thought was necessary for this work. The decrease contained in the present measure below the amount of the former law amounts to \$12,160, so that the adoption of this amendment means only the addition of that amount.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Louisiana yield to the gentleman from Oregon?

Mr. WICKLIFFE. Certainly.

Mr. HAWLEY. Was any part of this \$12,160 reduction due to the transfer of money to the lump sum?

Mr. WICKLIFFE. No; it was reduced simply and solely in the interests of economy.

Now, Mr. Chairman, this money is actually needed in this work. The Bureau of Entomology is doing a great work in the elimination of the cotton-boll weevil. The main object I have in offering the amendment is on behalf of that work with reference to the boll weevil. Unless this amendment is adopted I am reliably informed that the work that is outlined for the coming year can not be carried on as intended.

Those who are interested in the matter of the elimination of the cotton-boll weevil should be greatly interested in this amendment, because the Bureau of Entomology studies the life history of the boll weevil, the scientific end of the subject, the habits of the insect, and so forth. It is true that the Bureau of Plant Industry carries the main appropriation with reference to this matter, to wit, the demonstration work in the field. But in order that the House may clearly understand the difference, I might state that the Bureau of Entomology, the appropriations for which we are now considering, studies the scientific end of the matter with relation to the insect, its life and habits and history, and so forth; also the parasites which may be of benefit in exterminating it; and that bureau carries on these experiments not only in Washington but also in the field, as it were, studying the weevil and its habits at close range.

It gives the benefit of that study to the Bureau of Plant Industry, and the Bureau of Plant Industry in turn demonstrates the practical side of the matter by giving it to the farmer in a practical way. Therefore, I submit that this is one of the most important appropriations, so far as the cotton section of our country is concerned, and I ask every Member of the House who is interested in the matter of cotton culture to give his favorable consideration to this item.

Mr. LAMB. Mr. Chairman, I simply want to say that the committee felt there ought to be a reduction along these lines of investigation in the experimental part of this boll-weevil business, because there must be some point where these investigations will end, and they thought that to cut this item \$12,000 would not cripple the department in its warfare against the boll weevil and the ticks. I do not know how much goes to the

boll weevil or how much to the ticks, but I will say that we had on our economy caps and were making reductions as far as we could, and we reduced this amount, thinking the investigation had proceeded to a point where we could retrench a little.

Mr. MANN. What kind of ticks do they study?

Mr. LAMB. They study the life history of the ticks.

Mr. MANN. Is this the cattle tick?

Mr. LAMB. Yes.

Mr. MANN. Can the gentleman tell us how much of this appropriation is devoted to that study?

Mr. LAMB. I am very happy to be able to give the gentleman detailed information as to the exact amounts which have been devoted to these various subjects:

Boll-weevil investigations	\$23,000
Tick life history investigations and study of transmission of pellagra	7,167
Tobacco-insect investigations in Tennessee, Kentucky and Virginia	7,000
Sugar-cane insect investigations and the investigation of the Argentine ant	5,000
Cotton red spider in South Carolina	2,500
Rice-insect investigations in Louisiana and Texas	2,500
Total	47,167

Mr. MANN. Where does the tick come in?

Mr. FOWLER. That was the second item.

Mr. LAMB. I read that—

Tick life history investigations and study of transmission of pellagra, \$7,167.

Mr. MANN. Does that refer to the tick that causes Texas fever in cattle?

Mr. LAMB. Yes.

Mr. MANN. The life history of that tick is as well known as the life history of anything that can be imagined, and the Bureau of Animal Industry is expending large sums of money in driving that tick out of existence, all over the South, by taking a locality where they dip the cattle for the tick, or use some other methods of getting rid of the tick, and quarantining, until they have gotten rid of the tick in large portions of the South. Do I understand that this bureau is now engaged in studying the life history of this tick?

Mr. LEVER. Yes.

Mr. LAMB. The other bureau to which the gentleman referred is engaged in the warfare against the tick by quarantining, and this is for the study of the life history of the tick.

Mr. MANN. They discovered enough about the life history of this tick long ago to find out how to get rid of it by the methods they use, and they have found out that the only way really to get rid of it is to end its existence.

Mr. LEVER. The gentleman and I are rather together on this proposition—

Mr. MANN. It is perfectly silly to go ahead with this study.

Mr. LEVER. Except that I think he is wrong in his premises, and I am right in mine.

Mr. MANN. I freely concede that the gentleman may be right, but what are the gentleman's premises?

Mr. LEVER. In the first place, the study of the life history of the tick is a rather important proposition, and we never can reach the end of the study of the life history of any proposition.

Mr. MANN. We can if we can reach an end of the thing itself. We are now engaged in trying to end the tick.

Mr. LEVER. Because as the tick changes his habitat necessarily his life history changes.

Mr. MANN. Oh, no.

Mr. LEVER. Not only that, but we are making strenuous efforts to find some new parasite which will eradicate this tick without the enormous expenditure of a couple of hundred thousand dollars a year by the department.

Mr. MANN. We might as well try to put out a fire in the regions below. The life of the tick ends when it comes north, and then its life history ceases. They have discovered enough about it to know that the only way to get rid of it is to quarantine a locality and kill off the ticks in that locality.

Mr. LEVER. That is the only remedy so far found.

Mr. MANN. We will be rid of the ticks before they learn any other way.

Mr. LEVER. Science never stops progressing, as the gentleman knows.

Mr. MANN. They have been studying this subject ever since I was a boy. There is nothing remarkable about the Texas fever. The ticks are as thick as the leaves on the trees, and their life history is perfectly well known, and they know that the only way to dispose of them is to put something on the cattle that have them, to kill the ticks, and then to prevent tick-infested cattle from coming in from some other place.

Mr. LEVER. It is admitted that this is the only remedy now known by which they can be put out of business.

Mr. MANN. They have been put out of business in a large share of the South, I am glad to say.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not intend to detain the committee more than a moment. I hope this amendment will be adopted. In my judgment, there is no appropriation in this bill which will do the farmers of the South more good than this one, taking into consideration the small amount allowed. I think I speak with some degree of accuracy, because I have personal knowledge of some of the benefits derived from this appropriation. For two or three years a portion of the appropriation has been used in what is known as the Clarksville and Hopkinsville tobacco district for the purpose of investigating injurious tobacco insects.

The two principal insects which injure tobacco are the flea beetle and the hornworm. In 1907 there was an unprecedented outbreak of the flea beetle in the Clarksville and Hopkinsville tobacco district, and it is estimated that the tobacco farmers in the Clarksville and Hopkinsville district suffered a loss of \$2,000,000 in that year from the outbreak of the flea beetle. As a result of investigations that have been made in that district in the vicinity of the city of Clarksville for the last two or three years it is thought a new remedy has been found which will prevent any such outbreak in the future.

The particular work in that district has been with reference to the hornworm. This worm often becomes so numerous during the season that at times the farmers are unable to secure labor with which to "hand worm" their tobacco, and it has been necessary in the past to use Paris green. As you know, Paris green frequently burns the tobacco leaves, and the department has been making an investigation for the past three years for the purpose of discovering some other insecticide which would take the place of Paris green. It has discovered that a certain quality of arsenate of lead will serve the purpose and prove a very cheap and efficient remedy. They are now in a position where they must do some demonstration work, because the arsenate of lead requires some skill in administering it, and if this appropriation is cut off I understand that possibly they will not be able to do the necessary demonstration work in that particular district, and the results of these investigations which have been made for the last two or three years will be lost to the farmers, losing to the people thousands of dollars a year on account of the injury done by the hornworm.

I called upon the department for some information with reference to the work they have been doing in the tobacco district, and I have received this reply. It is so full and clear as to the work being done that I ask permission to insert it in the RECORD as a part of my remarks.

The CHAIRMAN. The gentleman from Tennessee asks permission to insert a letter in the RECORD. Is there objection? There was no objection.

The letter referred to is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ENTOMOLOGY,
Washington, D. C., February 15, 1912.

Hon. J. W. BYRNS,
House of Representatives.

DEAR SIR: In accordance with directions from Dr. L. O. Howard, Chief of the Bureau of Entomology, I am writing you a statement in regard to the tobacco-insect work at Clarksville, Tenn., concerning which information was requested by you in your letter of the 13th instant.

The principal injurious tobacco insects in Tennessee and Kentucky are the tobacco flea beetle and the tobacco hornworms. As a result of the unprecedented outbreak of the flea beetle in the spring of 1907 the tobacco crop in these States was reduced very greatly, entailing an estimated loss of at least \$2,000,000. As a result of the investigations carried on at Clarksville a very cheap and efficient remedy for these insects has been found which should prevent the recurrence of the damage inflicted in 1907.

The work at Clarksville has been principally confined to the most injurious of these insects, which are the tobacco horn worms. Until the present this work has largely been of an investigational nature. It has now, however, arrived at the stage for demonstrational work. Briefly the results obtained are as follows: It has been found that in stiff and clayey soils fall or winter plowing will almost exterminate the overwintering stage of the tobacco worm, which passes the winter in a cell a few inches below the surface of the ground. This has led to the recommendation in Circular No. 123 of this bureau to plow in the fall all land that was in tobacco during that year in preparation for the succeeding crop. Unfortunately, however, the tobacco worms feed upon certain wild plants, and many of them thus pass the winter in protected places, so that fall plowing at best can only be a partial remedy. The tobacco worms, therefore, must be fought largely in the tobacco field. Paris green has been and is largely used to combat these worms in the field. By reason of a certain percentage of free or water-soluble arsenic that is contained in all Paris greens very great damage is frequently done to tobacco by burning of the leaves. When worms become numerous tobacco growers are forced to use Paris green to combat them, because they can not secure the labor to "hand worm" the tobacco. Fearing, however, the damage which might result from burning of the tobacco, they delay the application of the Paris green until forced to apply it by the overwhelming numbers of the worms. When the Paris green is finally applied the worms have already done considerable damage to the tobacco. Last year the damage by tobacco worms in the vicinity of Clarksville varied from 3 or 4 per cent to 10 to 15 per cent. The average loss was not less than \$12 per acre; a very conservative estimate would place the loss at \$10 per acre. In the Clarksville and Hopkinsville districts alone the total loss was

about \$900,000. The energies of the investigations of these insects have been directed toward finding some insecticide that could be applied with safety to the tobacco. As a result of three years of investigation a grade of arsenate of lead has been found that will kill the tobacco worms without injuring the tobacco. Paris-green burns alone last year caused a loss in some fields of from \$8 to \$10 per acre. Two years' tests have demonstrated that arsenate of lead can be applied with impunity to the tobacco plant in any stage of growth. It requires some considerable care and skill to apply the arsenate of lead properly, and it is expected that these directions will be given in person to the growers in the nature of a demonstration as time permits.

I should add that the cost of keeping an acre of tobacco free of worms by the use of arsenate of lead should not exceed three or four dollars. By the present method of fighting tobacco worms the cost per acre in a year when the worms are very numerous is at least \$10 per acre. Therefore by the use of arsenate of lead the saving would be \$6 per acre. In the Clarksville and Hopkinsville districts alone this would amount to more than half a million dollars.

Practically all of the benefits to be derived by the tobacco growers as the result of the above investigations will be entirely lost if the work is discontinued at this stage. Large-scale, practical demonstrational work is now absolutely necessary in order to enable the growers to derive proper benefit from these investigations.

Very respectfully,

A. C. MORGAN,
Entomological Assistant.

The CHAIRMAN. The question is on the amendment of the gentleman from Louisiana [Mr. WICKLIFFE].

The question being taken, and the amendment was agreed to.

The Clerk read as follows:

For investigations of insects affecting truck crops, stored grains, and other stored products, \$19,700.

Mr. BARNHART. Mr. Chairman, I move to strike out "nineteen" in line 23, page 56, and to insert "twenty-four."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 56, line 23, by striking out the word "nineteen" and inserting the word "twenty-four."

Mr. BARNHART. Mr. Chairman, the purpose of this amendment is to take care of a new and rapidly developing industry in northern Indiana. However, it was submitted to the committee too late for consideration before reporting the bill, through lack of knowledge both on the part of the community and the representatives thereof that the onion thrip was being scientifically fought by the Department of Agriculture in other localities without interested citizens bearing the expense of such experts as they have been doing in Indiana.

For some years the onion industry in northern Indiana has been growing by rapid strides. Five years ago there were about 300 acres in cultivation. Last year there was something like 6,000 acres in cultivation, and the crop produced was from four to seven hundred bushels per acre; but the onion thrips have come as a pest, and the people of the locality, for the last two years, have asked the Department of Agriculture to give assistance in checking the ravages. The department has each season sent a man, but the community has been asked to pay all of his expenses. Dr. Chittenden, of the bureau in charge of truck crop and stowed-product insects, says that field stations for fighting the onion thrip are being maintained at Brownsville, Tex.; Norfolk, Va.; Rocky Ford, Colo.; Sacramento, Cal.; Camden, Cal.; and Jessop, Md., six stations in all. I desire to submit that we are almost a thousand miles from any one of these investigation points, and of course the department can not afford to transfer its field men back and forth to us, and so we ask an increase in appropriation that we may have full benefit of regular service. The result of our lack of full service has been, it is estimated by persons who know, that our losses in northern Indiana last year on account of the ravages of this pest amounted to \$100,000. As I said, this bill was made up before I knew all of these facts, and I am asking the committee that the previously fixed appropriation be increased \$5,000, for the reason that the Agricultural Department says that this amount would make it possible to locate an entomologist in this northern Indiana field, and keep him there during the season.

Mr. Chairman, I want to say further in explanation that the onion, as such, and I are not on familiar terms, and it is quite probable we will continue to keep out of each other's immediate presence for all time; but I hope it may never be said of me that I am lacking in liberality to any legitimate industry or in gallantry to the fair sex, and therefore I am in favor of furnishing any reasonable possibility that the onion industry may be promoted, that our wives and daughters and sisters may indulge their appetites and tastes in onions, worlds without end. [Applause.] I hope the amendment will prevail.

Mr. LAMB. Mr. Chairman, we asked the chief of the bureau some questions in respect to this matter, and I will read from his testimony:

Dr. HOWARD. We have stations in many different parts of the country. Mr. Chairman, where expert men are studying the difference in the various insects according to climate, and all that sort of thing, and experimenting with new remedies on a large scale in the field. One of the most important bits of work they are doing is on the onion thrips.

They began that out at Laredo, where many Texas people have gone into onion growing, as Mr. BALL knows, and where they have had considerable trouble with the thrips.

We found out from that that this appropriation was being devoted to this onion work.

Mr. FOWLER. And the committee increased it \$500 over that of last year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For investigations of the Mediterranean fly in the United States and its possessions, \$35,000, which sum shall be immediately available.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the paragraph. It was not estimated for.

Mr. LEVER. Mr. Chairman, I desire to offer an amendment to this proposition suggested by the gentleman from New York [Mr. HARRISON], who is unavoidably absent to-day. I will move to amend in line 6, at the end of the line, by inserting:

Provided, That no part of this appropriation shall be expended on the Atlantic seaboard.

The gentleman from California [Mr. KAHN] is perhaps more familiar with the reasons for this proviso than I am.

Mr. MANN. But no amendment is in order as yet. A point of order was reserved on the paragraph.

Mr. LEVER. Mr. Chairman, I desire to have the amendment pending for information.

The CHAIRMAN. The point of order is reserved on the paragraph.

Mr. FITZGERALD. I would like to know something about the excuse for this item.

Mr. KAHN. Mr. Chairman, I will give the information to the gentleman, if I can. The Mediterranean fly is now found in two or three of the islands of the Hawaiian Territory. It started, as I have been informed, originally on the island of Malta, in the Mediterranean Sea, and destroyed the fruit crops of that island. It was carried by vessels to the island of St. Helena, and has wiped out the fruit industry of that island. It was carried from there to Cape Colony, South Africa, and is doing an enormous havoc in the orchards there. It was carried thence to Australia, and has attacked the fruit crops there. It has done an enormous damage in that island. It was carried from there to New Zealand, and is devastating the fruit crops of New Zealand. It has been carried to Brazil, and is devastating the fruit crops of Brazil. It was also carried from Australia to the Hawaiian Territory. In the island of Oahu, the principal island of the Hawaiian group, this fly has attacked all of the citrus fruit, the peaches, and, by the way, it destroyed the entire peach crop of that island last year; the figs, the rose apples, the star apples, the mangoes, the white lemon guavas, the wild guavas, the alligator pears, the strawberry guavas, the papaya, the sapota, some South African fruit, and also string beans and peppers.

The female fly deposits the eggs under the skin of the fruit, and in a very short time the eggs develop into skippers, similar to the skippers in cheese, and the fruit, when opened, is found to be full of maggots. The gentleman from New York [Mr. FITZGERALD], having been in the island of Hawaii, is familiar with the large host crops of wild guavas. This fly has attacked those guavas, and it will take a large sum to eradicate the pest on that account. If it ever gets into the United States proper, it will destroy the fruit crops of the various States into which it gains an entrance. It has already destroyed the fruit crops of Hawaii. Hawaii can no longer ship her alligator pears, her papayas, her string beans, and her peppers to the mainland because of this fly. It has already caused a great loss to the people of Hawaii, although it has been present in the islands but a short time. The people themselves in the Territory raised by subscription nearly \$9,000 to destroy this pest, which has just obtained a foothold there.

Its presence has been observed there only a little over a year and, unless prompt remedies be used to stamp it out, it will undoubtedly come to the mainland, and then it will cost millions of dollars to stamp it out instead of a few thousand. The State of California expends hundreds of thousands of dollars annually in keeping such pests out of that State. I understand the State of Oregon and the State of Washington expend large sums in keeping these pests out. This appropriation is for the purpose of wiping out this pest in the Territory of Hawaii. It will enable the department to send experts there to investigate the conditions under which the fly thrives, and possibly to Australia, from which the pest was brought to Hawaii.

The CHAIRMAN. The time of the gentleman has expired. The Chair will hear the gentleman from New York on the point of order.

Mr. FITZGERALD. Mr. Chairman, I just wish to speak briefly. Something that the gentleman from California [Mr. KAHN] said has made a very deep impression upon me; that is, that if this fly ever goes into California it will take millions to eradicate it instead of a few thousand dollars. Judging from the experience of the United States with the flea that affects the rat that results in the bubonic plague I am inclined to think that he is correct. My attention was called to the language providing for this investigation, to be conducted in the Hawaiian Islands, or in the possessions of the United States. It made me think that perhaps it would be advisable to make some inquiries as to whether the Department of Agriculture was still issuing commissions for investigations of various kinds without any beneficial results whatever. I have here the form of a commission issued by the Department of Agriculture. It is as follows:

The United States of America, Department of Agriculture, to all who shall see these presents, greeting:

Be it known that Mr. Alonzo H. Stewart, Assistant Sergeant at Arms of the United States Senate, and a citizen of the United States of America, is hereby appointed honorary representative of the Department of Agriculture of the United States of America in the Territory of Hawaii, the Philippine Islands, and the Empires of Japan and China, for the purpose of investigating and studying agricultural conditions in those countries.

The bearer of this commission is therefore especially commended to all persons interested in agriculture in those countries and to all friends of the United States of America, and also to the representatives of the United States Government in those countries, whose good offices on his behalf are earnestly requested.

In witness whereof I have hereunto subscribed my name and caused the seal of the Department of Agriculture to be affixed.

Done at the city of Washington, District of Columbia, this 31st day of March, 1903, and of the independence of the United States of America the one hundred and twenty-seventh.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

Then, under date of May 28, 1908, almost five years later, we find a report submitted from this minister plenipotentiary and envoy extraordinary of the Department of Agriculture in the Hawaiian and Philippine Islands and the Empires of China and Japan. He says:

SIR: In pursuance to the commission issued to me by you, dated March, 1903, I have the honor to report that I took a trip through Japan and the Philippine Islands, incidentally stopping in Hawaii and China. I left the United States on May 8, 1903, and returning I reached Washington December 7, 1903.

I wish now to read some extracts from this highly valuable report upon the conditions of agriculture in the Philippine Islands. It will illustrate the value of these special commissions, and the interesting and valuable material gathered for the benefit of our people should not be permitted to be embalmed forever in a Senate document without some reference, at least, in the House. I will take but a few moments, and I hope the gentleman from Virginia will be patient with me.

The next day—

Says this envoy or minister in his report—

I was entertained at the house of the presidente and participated in a breakfast to celebrate the birthday of his wife. No modern European house could show finer linen or table appointments of silver, glass, and china ware. The men were all dressed in European costume, the women wearing the native gala dresses. But I learned from the American school-teacher that many of these same people in their everyday life wore the native tow costume and dined in the native fashion without the use of knives or forks, eating their rice or fish from bowls with their fingers. Surely, if any people have two sides to their nature, these are they. But if they continue to associate with Europeans or those oriental nations whose domestic habits are refined, natural pride will stimulate modern usages, which will soon become a fixed habit. The force of example in daily life will do more for them than all the schools and colleges. In this deduction I have the concurrence of every well-educated native with whom I talked. It must not be forgotten that it is claimed there are no pure-blood Visayans among the progressive people of the island. It is claimed that to this is due the fact that the island of Negros is so far ahead of the other islands of this archipelago in agricultural development.

We left Sillay about noon, traveling on a native steamboat which plies between that port and Iloilo. If ever anything tended to illustrate the happy-go-lucky characteristics of the race, this trip may be cited. As soon as the steamer was well away from the harbor a game of monte was started on deck in which all of the officers took a hand, the captain himself dealing. The quartermaster at the wheel now pulled up a big armchair, in which he seated himself and was soon nodding. I observed him take more than one cat nap of five minutes or more duration. The engineer left the engine room and was soon engaged in an animated conversation with some native women. It can be seen that the two Americans on board were not in a very easy frame of mind, particularly as a stiff wind was blowing and there were many dangerous passages to be traversed. The usual Filipino quarrel over the game of monte took place. One of the losers claimed that the deck was marked and grabbed the deck out of the captain's hand and threw it overboard. But for the presence of my friend and myself I think knives would have been drawn, as every Filipino carried one, though Americans and Europeans are prohibited from carrying arms of any kind. Upon our arrival at the outer harbor of Iloilo, where the doctor and pilot boarded us, our crew became quiet and a more model set of officers and men could not be found.

And further on—

Mr. MANN. Read some more of it. That is the most interesting thing I have heard you get off for a good while.

Mr. FITZGERALD. Still investigating agricultural conditions, and having passed from this particular place, we find this:

In the clubrooms at Silay I noticed a number of good paintings, the work of a native artist named Pedro Respow. This man showed marked ability. I tried to induce his friends to send to the St. Louis Exposition an allegorical work of his which deserves mention. It represented Columbia, whose falling robes were the Stars and Stripes. She was standing with one hand pointing to the rising sun while her other arm was around the waist of a timid Filipino woman dressed in native costume. At one side was another native woman also looking at the rising sun, while a little in advance of these a third Visayan woman had turned and with a look of encouragement on her face had beckoned her sisters to follow. The face of only this one woman was visible, as the rest were looking away. The proportionate size of American and Visayan was carefully followed, as were the conditions of the costumes. No better evidence of the feeling of these peaceful agricultural people of Negros toward our Government could be found than this simple painting in the clubroom of the native hacenderos of the island of Negros.

And so deep an impression did this visit to these clubrooms make upon the minister or envoy of the Department of Agriculture that he felt it necessary to set it forth at length in this most interesting, if worthless, report.

Mr. Chairman, there are many other passages, for instance, to illustrate, the peculiar conditions in agriculture that exist in the Philippine Islands which may be of special advantage to some of those engaged in agriculture in this country. For instance:

Two amusing incidents happened on the trip from Bago to where we camped for the night, which well illustrate a superstition on the one hand and their want of feeling on the other.

Going along the road we observed a native plowing with a native plow by the use of a carabao, and I stopped the team in order to take his picture. He did not observe me until I was within 20 feet of him, but when he did he gave one exclamation of terror and ran precipitously for the nearest cane field, giving no heed to the call of my driver, who tried to reassure him, evidently taking my camera for a new kind of machine gun. It turned out afterwards that in describing it to Señor Arineta my driver stated that he had gone to lay down through fear.

The other incident was in crossing the Bago River; our bullock lay down and refused to go upon the raft. After using every means to make him get up the native coolly built a fire on his back, which, of course, had the desired effect.

Assuredly this incident will be of special value to agriculturists in this country. Whenever they come to a small stream across which they will have difficulty in driving cattle, all that it will be necessary for them to remember is that by building a fire upon the backs of their cattle they will quickly obtain the desired results. [Laughter.]

Mr. Chairman, there are some passages in this book to which I should prefer to call the attention of the Members privately. I would not desire to give them too great publicity. It does seem to me that some of the criticisms that have been mildly indulged in against the Department of Agriculture are to some extent justified by the issuance of commissions such as this, and the sending of men who confess in their report embarrassment because of their unfamiliarity with the languages spoken in the country which they visit, and whose reports consist of material that would be more appropriate in a narrative of adventures than it is in a report supposedly of a scientific character. If we are to start again investigations outside of the United States, I deem it wise to call attention to the existence of this most useful report in the hope that in the expenditure of the money proposed there will not be a duplication of such incidents.

Mr. LAMB. I will respectfully say to the gentleman from New York that he is bringing this subject to the attention of the wrong committee. He ought to either take that into consideration in his own committee, which has such a right of way, or else turn it over to the committee investigating the expenditures in the Department of Agriculture.

Mr. FITZGERALD. Let me say to the gentleman that he was not in charge of the bill or at the head of the Committee on Agriculture when this commission was issued.

Mr. MANN. There were no expenditures.

Mr. FITZGERALD. I wish it brought to the attention of the department. I may discuss it more fully later on.

Mr. MANN. I never heard of this before, but I am very glad the gentleman has called it to our attention, because I notice, with some surprise, that the committee listened a great deal more attentively when the gentleman was reading from the document than when he was talking in his own right, which indicates it was very interesting, because the gentleman himself is always interesting and entertaining. I know "Lon" Stewart; and I suppose the gentleman knows him well. He used to be Deputy Sergeant at Arms of the Senate and, without exception, was the brightest man connected with a legislative body as an employee or officer that I have ever seen. He is now over in New York practicing law.

Mr. FITZGERALD. I am not reflecting on the gentleman. I was just calling the attention of the committee to the fact

that no matter how well qualified he might have been as an employee in a legislative body he had none of the qualifications that fitted him as a representative of the Department of Agriculture in such an investigation.

Mr. MANN. The commission that authorized him, under the circumstances, to see what was going on and study the work of agriculture over there was proper. I would be perfectly willing to issue a commission of that sort to the gentleman from New York, who has lived in the city of Brooklyn all of his life, and probably would not know a farm if he saw it, but I would trust his acumen and judgment to get valuable and accurate information, either in the Philippine Islands or the United States if he were traveling around. And often I have availed myself of the privilege to hear him discuss matters concerning which he was not informed in advance and which he had studied at the time and about which he knew something. Now, he has brought before the House this subject and is endeavoring to criticize it on the ground that the gentleman who wrote it knew nothing about agriculture. What does the gentleman from New York know about agriculture? How does he know that Mr. Stewart was not a thorough agriculturist?

Mr. FITZGERALD. I know the description of a quarrel over a game of monte. The gentleman may be familiar with that game. He seems to know everything.

Mr. MANN. I have seen some Brooklyn fellows that played.

Mr. FITZGERALD. The game of monte might be very detrimental to the rural communities of this country. The report contains no information of value of any kind whatever, and the mere printing of it was a waste of money.

Mr. MANN. I would say it was very important to know whether on board a vessel going from one island to another the men who were in charge of the vessel sat down and played monte, that the engineer in charge came up and talked with the women, and the man at the wheel went to sleep. I think it is very important to know the class of people there and how they manage their business in the interests of agriculture outside of Brooklyn. It would not be important within the city of Brooklyn or in the limits of Chicago.

Mr. FITZGERALD. I suppose that is about the best possible defense that could be made of such a commission or such a report. The gentleman on his own experimental farm may, perhaps, be able to apply the information he has received about this quarrel over a game of monte or the advantages of transporting to Chicago or St. Louis this allegorical picture that was dreamed over in the club rooms at Silay, but it would not be of any advantage to any practical agriculturist—

Mr. MANN. Like the gentleman from Brooklyn—

Mr. FITZGERALD. Like the gentleman from Illinois.

Mr. Chairman, I withdraw the point of order.

Mr. LEVER. Mr. Chairman, I suggest that the amendment which I proposed a moment ago be read for the information of the committee.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] has offered an amendment, which the Clerk will report.

The Clerk read as follows:

On page 57, line 6, after the word "available," insert the words "Provided, That no part of this sum shall be used on the Atlantic seaboard."

Mr. MANN. Mr. Chairman, if the amendment has been agreed upon I have nothing to say in reference to it, although it would seem odd that in order to prevent the introduction of the Mediterranean fly into the United States you would prevent the expenditure of any money on the Atlantic seaboard and propose to confine it only to the Pacific seaboard. In that connection I would like to ask the gentleman this question, referring to the language, "For investigations of the Mediterranean fly in the United States and its possessions." Does the gentleman think that Hawaii is a possession of the United States? It is a Territory of the United States. I am not sure whether it is embraced within the term "United States," but I am very sure it is not embraced within the term "its possessions." It is not one of the insular possessions of the United States, like Porto Rico or the Philippine Islands. It is a Territory of the United States.

Mr. LEVER. It should be "Territory" or "possessions."

Mr. MOORE of Pennsylvania. Mr. Chairman, may we have the amendment read again?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

On page 57, line 6, after the word "available," insert the words "Provided, That no part of this sum shall be used on the Atlantic seaboard."

Mr. MOORE of Pennsylvania. Mr. Chairman, this comes from the committee, does it?

Mr. LEVER. It does.

Mr. MOORE of Pennsylvania. Why would you prevent the expenditure on the Atlantic seaboard of an appropriation for the investigation of a pest that might infect the Atlantic seaboard?

Mr. LEVER. I would say to my friend from Pennsylvania that the California delegation and certain gentlemen on the Atlantic seaboard have conferred about this matter, and on account of the fact that there is no probability of infestation through the Atlantic seaboard and some danger that the quarantine features of this provision may be dangerous they have agreed to this proposition.

Mr. MOORE of Pennsylvania. But where does the Mediterranean fly originate?

Mr. LEVER. The Mediterranean fly is located now most largely in the Hawaiian Islands.

Mr. MOORE of Pennsylvania. You see we have vessels coming into the Atlantic ports from the Pacific. I do not think an exception should be made against Atlantic ports.

Mr. MANN. Let us be on the square with the gentleman and tell him why it is. [Laughter.] The gentleman from New York [Mr. HARRISON] was afraid that this would make an undue restriction and impose an onerous burden on the importation of Sicilian lemons, and he objected to its application to the Atlantic seaboard for that reason. I understand there is no likelihood of the fly coming in that way, but if they did examine vessels for the fly at Atlantic ports he would object to it and make a point of order.

Mr. MOORE of Pennsylvania. I do not want to interfere with the Pacific coast getting the advantage of this investigation, but I do want to give notice that if any such pest should arise on the Atlantic seaboard we shall expect equal consideration.

Mr. LEVER. There is no question about that.

Mr. MOORE of Pennsylvania. These questions are constantly arising. There ought to be no discrimination in a matter of this kind, but I do not want to hold this matter up.

Mr. RAKER. Mr. Chairman, will the gentleman allow an interruption right there?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from California?

Mr. MOORE of Pennsylvania. Yes.

Mr. RAKER. From the examination had before the committee it is shown that this pest is in the Hawaiian Islands, and there has been some discovered on the Pacific coast. Now, it is not in the East, and for fear that the item might go out on a point of order, is it not better to let it go as it is and make sure that the work will be actually done where the ravages of this pest occur? I am with the gentleman as against any discrimination.

Mr. MOORE of Pennsylvania. I want the gentlemen on the Pacific coast to get anything they can that may prevent havoc such as the gentleman anticipates there, but it should be borne in mind that vessels are constantly coming from the Pacific coast to the Atlantic coast, and that a pest which may visit the Pacific coast could be transmitted to the Atlantic coast.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from California?

Mr. MOORE of Pennsylvania. Yes.

Mr. KAHN. The purpose of this investigation is to enable the Department of Agriculture to send its experts into Hawaii Territory, where the fly has made its appearance within the last two years, and where it has done great havoc. They propose to send an expert to Australia, as I understand, to try to find a natural enemy to this fly. It is not contemplated, so far as I have been able to find out, to spend any of this money on the Atlantic seaboard in connection with this investigation. There is no fly there.

Mr. MOORE of Pennsylvania. The gentleman means on the Pacific coast?

Mr. KAHN. On the Pacific coast. The investigation is to be made only on the Pacific coast, because that is where the fly is. There is none on the Atlantic seaboard, as I understand it. The purpose is to spend all of the appropriation on the Pacific seaboard.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. HAYES. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. MOORE of Pennsylvania. I will be satisfied to do that if my time is extended. This raises an important question. I do not want to hold up the course of business here, but I would

like to know if we shall be prejudiced in this matter. That is all.

Mr. KAHN. Mr. Chairman, I will say to the gentleman from Pennsylvania that he need have no fear on that score. The eastern seaboard is in no danger. Vessels are constantly coming from Hawaii to the ports of the Pacific coast, and we have instances constantly where individuals have brought infected fruit to our ports, and our inspectors have kept vigilant watch and insisted on the destruction of the fruit when it has come in. Of course this proposal of amending the item so that the appropriation will not be used except on the Pacific coast comes not from the Pacific coast, but from a gentleman who represents a constituency on the Atlantic side. It comes only from the Atlantic seaboard.

Mr. MOORE of Pennsylvania. Why not leave it out? It raises a pernicious question of discrimination.

Mr. KAHN. The gentleman from New York [Mr. HARRISON] insisted that if it remained in he would make a point of order against the entire item, and we felt fearful lest the pest would come to the Pacific coast, and therefore we favored the amendment.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. MOORE] yield to his colleague?

Mr. MOORE of Pennsylvania. Who has the floor, Mr. Chairman?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] has the floor.

Mr. MOORE of Pennsylvania. That is what I thought.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. MOORE] may have five minutes additional. I understand the gentleman's time has expired.

Mr. LAMB. Mr. Chairman, I do not want to ask for a recess, and I will ask the gentleman to proceed.

Mr. MOORE of Pennsylvania. I want to hasten the business before the committee. I understand the pressure that is upon the chairman of the committee [Mr. LAMB], and I want to aid him all I can. But I want to suggest this to the chairman of the committee: What would be said if we should offer an amendment providing for an appropriation to carry on an investigation of the bubonic plague and should say that none of that money should be expended on the Pacific seaboard, simply because there has been an invasion of bubonic plague at one port on the Atlantic coast? Does not the gentleman see the unfairness of that proposition?

Mr. LEVER. The gentleman does not seem to take account of the fact that the Mediterranean fly is threatening to come into the country, not from the Atlantic seaboard, but from the Pacific seaboard.

Mr. MOORE of Pennsylvania. I take it that if a vessel sails from the Pacific coast and comes, either around the Horn or through the Panama Canal hereafter, it may bring this fly to the Atlantic coast, which is just as much a menace to us as it is to the Pacific coast.

Mr. LEVER. That would depend on the length of time it takes to make the trip.

Mr. HAYES. Mr. Chairman, although the Mediterranean fly, by its name, would seem to be infesting Italy, on the Mediterranean Sea, it is not doing so. The fly originated in the island of Malta, but instead of going to Italy, it has migrated to the islands of the Pacific, to South Africa, to Australia, and to Hawaii.

Now, the only danger of infection is from Australia or Hawaii. There is no danger of infection by importation from Italy, as I understand it. If there were any danger, I for one should be just as anxious that the money should be spent upon the Atlantic seaboard as upon the Pacific, wherever the fly might be found, but I see no danger of infection from that source at the present time.

Mr. MOORE of Pennsylvania. What is the amount of the appropriation?

Mr. HAYES. Thirty-five thousand dollars. If there is danger in the future, we can, of course, provide for it in the next bill.

Mr. MOORE of Pennsylvania. While I do not propose to offer any further objection to this amendment, it seems to me it is not good legislation. It is not fair to the country at large, and I want in a friendly way to give notice that if any such pestilence as this should make its appearance along the Atlantic seaboard we would come very promptly to the committee to call its attention to the fact that this discrimination had been made.

Mr. LAMB. If any such thing breaks out, you will get assistance.

Mr. MOORE of Pennsylvania. If Congress were in session and the present chairman were in control, we should, but if Congress were not in session, and this pestilence should break out in the interim, we would have trouble.

Mr. LAMB. I ask for a vote.

The CHAIRMAN. The question is on the amendment. The amendment was agreed to.

Mr. HAWLEY. I offer an amendment on page 57, line 5, after the word "its," to insert the words "Territories and," so that it will read "United States and its Territories and possessions."

The Chairman. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 5, page 57, by inserting, after the word "its," the words "Territories and."

The amendment was agreed to.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to return to the paragraph included in lines 22, 23, and 24, on page 56.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to the paragraph beginning with line 22, on page 56. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman—

Mr. MANN. I think it is time to stop.

Mr. BARNHART. It will take only a moment.

Mr. MANN. Is this all agreed on?

Mr. LAMB. Yes.

Mr. BARNHART. I move to amend line 23 by striking out the word "nineteen" and inserting the word "twenty-four," and striking out the word "seven" and inserting the word "five," making the amount \$24,500.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 23, page 56, by striking out the word "nineteen" and inserting the word "twenty-four," and striking out the word "seven" and inserting in lieu thereof the word "five."

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for leave to extend my remarks in the RECORD on the subject of the Delaware River, and also upon the subject of the Chesapeake & Delaware Canal.

Mr. MANN. I hope the gentleman will make that request in the House.

Mr. MOORE of Pennsylvania. Very well.

Mr. FOWLER. Mr. Chairman, on page 57, in line 5, an amendment was offered by the gentleman from Oregon [Mr. HAWLEY] which leaves two "ands," making it read "the United States and its Territories and possessions." I move to strike out the first word "and" after "States" and to insert a comma after "States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 5, page 57, strike out the word "and" and insert after the word "States" a comma.

The amendment was agreed to.

The Clerk read as follows:

Total for Bureau of Entomology, \$624,880.

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. CLARK of Florida, indefinitely, on account of important business.

To Mr. THAYER, for 10 days, on account of important business.

LEAVE TO EXTEND REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Delaware River, and also on the subject of the Chesapeake & Delaware Canal.

Mr. FOSTER of Illinois. Mr. Speaker, I do not desire to object. Has this anything to do with the controversy between the gentleman and—

Mr. MOORE of Pennsylvania. Nothing whatever.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD on the subject of the Delaware River, and also on the subject of the Chesapeake & Delaware Canal. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent that my colleague Mr. RODENBERG have leave to extend his remarks in the RECORD on the subject of the Bureau of Chemistry and the Referee Board.

Mr. LEVER. I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that his colleague [Mr. RODENBERG] have unanimous consent to extend his remarks in the RECORD on the subject of the Bureau of Chemistry and the Referee Board, and the gentleman from South Carolina [Mr. LEVER] makes the same request. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Mediterranean fly.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of the Mediterranean fly. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Remsen Board.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the subject of the Remsen Board. Is there objection?

There was no objection.

SENATE CONCURRENT RESOLUTION AND BILL REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolution No. 19 and bill of the following title were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 19.

Resolved by the Senate (the House of Representatives concurring), That preliminary to such legislation by Congress as may be necessary to enable the Government of the United States to be properly represented on such occasion the Secretary of War be, and he is hereby, authorized and directed to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission of the State of Pennsylvania, and

First. To cause to be made such surveys, measurements, and estimates as will be necessary in regard to providing for a sufficient supply of good water for the use of those who shall attend the celebration.

Second. To investigate as to the necessary and proper provision required to be made for sewerage, sanitation, hospital, and policing during such celebration.

Third. To estimate upon the tents, camp equipment, supplies, and rations that, in his judgment, will be necessary to properly accommodate and provide for those who shall attend such commemoration, and to estimate what provision will be necessary to be made for local transportation and care of those who may or probably will participate in such celebration, and to give an estimate of the cost, separately stated, of the several provisions necessary to be made.

Fourth. To estimate the quantity of camp equipment, such as tents, bedding, and cooking outfits, necessary to accommodate the people attending, together with the cost per unit of a suitable ration to be issued and as to the best method of providing and issuing such rations.

Fifth. To prepare a plan of camp arrangement suitable to the occasion.

Sixth. To report to Congress upon all of these matters within 30 days after the passage of this resolution—

to the Committee on Military Affairs.

S. 4314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 12, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a detailed statement of the refunds of custom duties for the fiscal year ending June 30, 1911 (H. Doc. No. 610); to the Committee on Ways and Means and ordered to be printed.

2. A letter from the Acting Secretary of Commerce and Labor, transmitting special agent's report on cotton goods in Italy (H. Doc. No. 611); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 16692) to provide American registers for seagoing vessels wherever built and to be engaged only in trade with foreign countries and with the Philippine Islands and the islands of Guam and Tutuila, and for the importation into the United States free of duty of all materials for the construction and repair of vessels built in the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 405), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19071) granting extension of time to the St. Cloud Electric Power Co. to construct a dam across the Mississippi River, reported the same with amendment, accompanied by a report (No. 408), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7009) granting an increase of pension to Charles E. Benson and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVIS of Minnesota: A bill (H. R. 21700) for the purchase of a site for a Federal building at Hastings, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. BARNHART: A bill (H. R. 21701) to establish a fish hatchery in the thirteenth congressional district of Indiana; to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDER: A bill (H. R. 21702) amending section 9 of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States"; to the Committee on Immigration and Naturalization.

By Mr. RAKER: A bill (H. R. 21703) permitting the cooperative homesteading of public lands, and for other purposes; to the Committee on the Public Lands.

By Mr. WHITE: A bill (H. R. 21704) granting to postal employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; to the Committee on the Post Office and Post Roads.

By Mr. FLOOD of Virginia: A bill (H. R. 21705) to provide for the construction of a memorial highway, archway, and gateway in memory of Thomas Jefferson at Monticello, Albemarle County, Va.; to the Committee on the Library.

By Mr. KORBLY: A bill (H. R. 21706) providing for the retirement of officers of the Philippine Scouts, United States Army; to the Committee on Military Affairs.

By Mr. FORNES: A bill (H. R. 21707) to authorize the grading and improving of Piney Branch Road from Georgia Avenue to Butternut Street; to the Committee on the District of Columbia.

Also, a bill (H. R. 21708) to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street; to the Committee on the District of Columbia.

By Mr. JOHNSON of Kentucky (by request of the United States attorney for the District of Columbia): A bill (H. R. 21709) to amend section 851a of chapter 19 of subchapter 2 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the United States attorney for the District of Columbia), a bill (H. R. 21710) to amend section 842 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the United States attorney for the District of Columbia), a bill (H. R. 21711) to amend section 819 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the United States attorney for the District of Columbia), a bill (H. R. 21712) to amend section 808 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the United States attorney for the District of Columbia), a bill (H. R. 21713) to amend section 797a of

chapter 18 of subchapter 15 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the United States attorney for the District of Columbia), a bill (H. R. 21714) to amend section 851b of chapter 19 of subchapter 2 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. GUERNSEY: A bill (H. R. 21715) to provide for the erection of a public building at Dover, Me.; to the Committee on Public Buildings and Grounds.

By Mr. RUCKER of Missouri: A bill (H. R. 21716) to provide for the enlargement, extension, remodeling, and improvement of the post-office building at Moberly, Mo., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. LENROOT: A bill (H. R. 21717) to authorize the increase of the height of and the reconstruction or replacement of the Nevers Dam on the St. Croix River; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 21718) for the purchase of the Tioga Road in the Yosemite National Forest Reserve, Cal.; to the Committee on the Public Lands.

Also, a bill (H. R. 21719) for the relief of the owners of the Tioga Road in the Yosemite National Forest Reserve, Cal.; to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 21720) to amend section 3 of an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889; to the Committee on Indian Affairs.

By Mr. DONOHUE: A bill (H. R. 21721) granting pensions to volunteer Army nurses of the Civil War; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 21722) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. GARNER: Joint resolution (H. J. Res. 266) amending "A joint resolution permitting Anson Mills, colonel of Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States"; to the Committee on Military Affairs.

By Mr. DUPRÉ: Resolution (H. Res. 449) referring to the publication of the CONGRESSIONAL RECORD; to the Committee on Printing.

By Mr. GALLAGHER: Resolution (H. Res. 450) authorizing an investigation of the Baseball Trust; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AKIN of New York: A bill (H. R. 21723) for the relief of Hiram Argersinger; to the Committee on Claims.

By Mr. ALLEN: A bill (H. R. 21724) granting a pension to Almeda Cosberry; to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 21725) granting an increase of pension to Orrin Bartlett; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 21726) granting a pension to Jessie E. Kerr; to the Committee on Pensions.

Also, a bill (H. R. 21727) granting a pension to Landon G. Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21728) granting an increase of pension to Henry Schoder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21729) granting an increase of pension to Jesse Stafford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21730) granting an increase of pension to Wedem S. Chamberlain; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 21731) granting an increase of pension to Andrew P. Johnson; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 21732) granting a pension to Lucy J. Wells; to the Committee on Pensions.

Also, a bill (H. R. 21733) granting an increase of pension to Cincinnati East; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 21734) granting an increase of pension to George W. Bastin; to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 21735) for the relief of Peter J. Van Zandt; to the Committee on Military Affairs.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21736) granting a pension to Katherine Bauzhaf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21737) granting an increase of pension to Nicholas Roth; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 21738) granting a pension to Theresa Kurtz; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 21739) granting an increase of pension to Samuel W. McElderry; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 21740) granting a pension to Hattie P. Longfellow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21741) granting an increase of pension to Levi Walker; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 21742) granting an increase of pension to Alicia Herrington; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 21743) granting an increase of pension to Jesse G. Austin; to the Committee on Pensions.

Also, a bill (H. R. 21744) for the relief of Malory C. Carey; to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 21745) to authorize the Secretary of the Interior to consider the claim of the attorney of record, and to allow said attorney such fee as found reasonable in matter of certain allotment lands to certain Indians of Cascade Band allotted on Yakima Reservation, Wash., and for other purposes; to the Committee on Indian Affairs.

By Mr. LAFEAN: A bill (H. R. 21746) to correct the military record of Charles P. Kibler; to the Committee on Military Affairs.

By Mr. LANGHAM: A bill (H. R. 21747) granting an increase of pension to George W. Wangaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21748) granting an increase of pension to William Daily; to the Committee on Invalid Pensions.

By Mr. LEVY: A bill (H. R. 21749) to correct the military record of John Costen; to the Committee on Military Affairs.

By Mr. McHENRY: A bill (H. R. 21750) granting an increase of pension to Frederick Gray; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 21751) granting a pension to Sarah Hill; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 21752) granting an increase of pension to Dallas Patrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21753) granting an increase of pension to George R. Fitzgerald; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 21754) granting an increase of pension to Frederick Hogendobler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21755) granting an increase of pension to Elizabeth Reid; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 21756) for the relief of Pleasant Moore; to the Committee on War-Claims.

Also, a bill (H. R. 21757) granting an increase of pension to William Herron; to the Committee on Pensions.

By Mr. REDFIELD: A bill (H. R. 21758) for the relief of Phillip A. Hertz; to the Committee on Military Affairs.

Also, a bill (H. R. 21759) for the relief of Martin McNamara, alias Martin Mack; to the Committee on Military Affairs.

By Mr. RANDELL of Louisiana: A bill (H. R. 21760) for the relief of the estate of William B. Taylor; to the Committee on Claims.

By Mr. RUBEY: A bill (H. R. 21761) for the relief of the legal representatives of Solomon Wood; to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 21762) granting an increase of pension to Edward Sloyer; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 21763) granting an increase of pension to Thomas H. Doane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21764) granting an increase of pension to William L. Stewart; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 21765) granting an increase of pension to Elizabeth Sullivan; to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 21766) granting a pension to Ruthem Brown; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 21767) granting an increase of pension to Thomas O. Neal; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Forty-fifth National Encampment of the Grand Army of the Republic, for erection of an amphitheater at Arlington; to the Committee on the Library.

Also, memorial of the Russian River Chamber of Commerce, for improvement of Yosemite National Park; to the Committee on the Public Lands.

By Mr. AKIN of New York: Petition of citizens of Gloversville, N. Y., for an amendment to the Constitution to enable women to vote in all elections upon the same terms as men; to the Committee on the Judiciary.

Also, memorial of the United Spanish War Veterans of New York City, in favor of House bill 17470; to the Committee on Pensions.

Also, petition of citizens of Gloversville, N. Y., in favor of old-age pensions; to the Committee on Pensions.

By Mr. ANDERSON of Minnesota: Petition of I. P. Hodge and others, of Stewartville, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Ohio: Petition of E. J. Babcock, of the University of North Dakota, for enactment of House bill 6304; to the Committee on Mines and Mining.

Also, petition of the United Mine Workers of America, for old-age pension legislation; to the Committee on Pensions.

By Mr. ASHBROOK: Papers to accompany House bill 21296, for the relief of Wilson S. Fouts; to the Committee on Invalid Pensions.

Also, petition of the Ohio Jersey Cattle Club, opposing the reduction or removal of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of the University of North Dakota, in favor of House bill 6304, making provision for investigations and experiments in all branches of the mining industry; to the Committee on Mines and Mining.

Also, petition of the Ohio Rake Co., in favor of House bill 18981, authorizing a modern building for the Interstate Commerce Commission; to the Committee on Public Buildings and Grounds.

By Mr. BOWMAN: Petition of certain citizens of Wilkes-Barre, Pa., and vicinity, favoring the building of one battleship in a United States navy yard; to the Committee on Naval Affairs.

Also, memorial of H. A. Kioler, Nanticoke, Pa., favoring Gardner bill (H. R. 1343); to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Petitions of citizens of the State of Wisconsin, protesting against passage of the Lever bill (H. R. 18493) to reduce the tax on oleomargarine; to the Committee on Agriculture.

By Mr. CALDER: Petition of Western Dry Goods Co., of Seattle, Wash., against House bill 16844, requiring manufacturers to place their own names on manufactured articles; to the Committee on Interstate and Foreign Commerce.

Also, petition of Abraham Lincoln Camp, No. 91, United Spanish War Veterans, of New York, in favor of House bill 17470, to pension widows or minor children of enlisted men in the War with Spain or Philippines insurrection; to the Committee on Pensions.

By Mr. CARTER: Petitions of citizens of the State of Oklahoma, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CLARK of Florida: Petition of the Board of Trade of Jacksonville, Fla., favoring the passage of Senate bill 2117; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Trade of Jacksonville, Fla., opposing tariff discrimination against Florida rosin; to the Committee on Ways and Means.

By Mr. CURRY: Petition of the Christian Endeavor Society of the First Christian Church, Deming, N. Mex., in favor of Sheppard-Kenyon antiliquor bill; to the Committee on the Judiciary.

Also, petition of the Christian Endeavor Society, First Presbyterian Church, Deming, N. Mex., favoring Sheppard-Kenyon antiliquor bill; to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Petition of J. J. Piper and others, of Faribault, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Le Sueur, Minn., for passage of Kenyon Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DENVER: Petitions of citizens of Salina and Mount Orab, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Mount Orab, Ohio, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of Municipal Council, United Spanish War Veterans, New York City, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of officers and enlisted men of Company M, Mounted Infantry, National Guard of New York, for passage of the militia pay bill; to the Committee on Military Affairs.

By Mr. DANIEL A. DRISCOLL: Petition of officers and men of Company D, Sixty-fifth Infantry, Buffalo, N. Y., favoring militia pay bill for the improvement of the National Guard, with letter of Joseph Dorst, captain commanding; to the Committee on Military Affairs.

Also, petition of members of the medical and surgical staff of the Sisters' Hospital, Buffalo, N. Y., favoring bill to relieve institutions from certain alcohol taxation; to the Committee on Ways and Means.

Also, petition of Camp Merwin Carleton, No. 4, Army of the Philippines, C. T. Spear, commander, William F. Lewis, adjutant, St. Paul, Minn., favoring bill of Representative CRAIG (H. R. 18502); to the Committee on Military Affairs.

Also, petition of James L. Gallagher, James H. Carr, M. D., and 9 other members of the medical and surgical staff of the Emergency Hospital, Buffalo, N. Y., favoring bill for relief of scientific institutions of learning from certain provisions of law regarding tax on alcohol; to the Committee on Ways and Means.

By Mr. ESCH: Memorial of Union No. 8, International Association of Bridge and Structural Iron Workers, for amendment to the Constitution limiting hours of labor; to the Committee on the Judiciary.

Also, memorial of the Wisconsin Retail Lumber Dealers' Association, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of Municipal Council of the Spanish War Veterans of New York, in favor of House bill 17470; to the Committee on Pensions.

Also, memorial of the Civic Club of Philadelphia, Pa., for improvement of the Philadelphia immigrant station; to the Committee on Appropriations.

By Mr. FORNES: Memorial of Admiral John W. Phillip Post, No. 19, American Veterans of Foreign Service, favoring Senator JONES's bill providing pay and allowance for volunteer organizations, etc.; to the Committee on Military Affairs.

Also, petitions of Laurence T. Bologuind, of the Big Show Theater, New York, and John McNutty, of the Scenic Theater, New York, favoring House bill 20595, amending section 25 of the copyright act of 1909; to the Committee on Patents.

Also, memorial of the Postal Progress League, favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FRANCIS: Memorial of District No. 6, United Mine Workers of America, for legislation providing for old-age pensions; to the Committee on Pensions.

Also, petitions of citizens of the State of Ohio, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of George North Taylor, of Streator, Ill., favoring the establishment of a parcel post, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Rockford (Ill.) Central Labor Union, in favor of the passage of the Wilson bill (H. R. 11032) relating to issuance of restraining orders; to the Committee on the Judiciary.

Also, petition of Rockford (Ill.) Central Labor Union, protesting against alleged illegal and brutal acts of public officials, etc., in labor trouble at Lawrence, Mass.; to the Committee on Labor.

Also, petition of Charles P. Gaut, of Streator, Ill., favoring the passage of House bill 17470, to pension widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Duquoin Retail Merchants' Association, of Duquoin, Ill., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the General Federation of Women's Clubs, of St. Louis, Mo., in favor of the creation of a national children's bureau; to the Committee on Labor.

By Mr. GALLAGHER: Memorial of Lake Seamen's Union of Chicago, Ill., for enactment of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. GARDNER of Massachusetts: Memorial of the New England Shoe and Leather Association, opposing House bill 16884 with regard to marking of certain goods manufactured for interstate commerce; to the Committee on Ways and Means.

Also, petition of the New England Conference on Rural Progress, favoring Government assistance in extending agricultural teaching; to the Committee on Agriculture.

By Mr. GARNER: Petition of certain residents of Stockdale, Tex., and vicinity, favoring the Sulzer bill (H. R. 14) for a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. GOULD: Petitions of Comet Grange and Woman's Christian Temperance Union of Swanville, Me., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of Ole Olson and 48 others, of Dummell, Minn., against the Lever bill—oleomargarine; to the Committee on Agriculture.

By Mr. HAYDEN: Petitions of citizens of the State of Arizona, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. J. I. Gardner and 32 other residents of Prescott, Ariz., in favor of the bill to establish a Federal children's bureau; to the Committee on Labor.

Also, petitions of members of Improved Order of Red Men, of the State of Arizona, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. HENRY of Connecticut: Petition of the German-American Alliance of New Britain, Conn., protesting against legislation prohibiting interstate liquor traffic; to the Committee on the Judiciary.

By Mr. HILL of Connecticut: Petition of St. Joseph's Society, of Bridgeport, Conn., in regard to Catholic Indian mission bill; to the Committee on Indian Affairs.

Also, petition of the Westville Congregational Church, of New Haven, Conn., in favor of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the German-American alliance of New Britain, Conn., protesting against passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOUSTON: Papers to accompany House bill 21563, for relief of John W. Vandergriff; to the Committee on Invalid Pensions.

By Mr. HOWELL: Petitions of the Athenian Club of Lehi and the American Woman's League of Ogden, Utah, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Utah, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Memorial of members of the Socialist Party of Fort Lee, N. J., for investigation of the Lawrence (Mass.) strike; to the Committee on Rules.

By Mr. KENDALL: Petitions of citizens of Hiteman and Newton, Iowa, in favor of Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of citizens of Grinnell and Newbury, Iowa, against Lever bill and for Haugen bill; to the Committee on Agriculture.

By Mr. LAFEAN: Petitions of citizens of Orrtanna, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of citizens of the State of Pennsylvania, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Fairmount City, Pa., in favor of Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union, of Grove Summit, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of the State of Pennsylvania, for a constitutional amendment prohibiting the sale, manufacture for sale, and importation for sale of beverages containing alcohol; to the Committee on the Judiciary.

By Mr. LEVY: Papers to accompany a bill to correct the military record of John Casten; to the Committee on Military Affairs.

Also, petitions of Central Federated Union, of Greater New York, for construction of a battleship at the Brooklyn Navy Yard, and protesting against supplanting civilian employees with enlisted men in the navy yards; to the Committee on Naval Affairs.

By Mr. LOUD: Petition of V. A. Baker and 29 other voters of Petoskey, Mich., for passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of the Central Federated Union of Greater New York, for enactment of House bill 11032; to the Committee on the Judiciary.

Also, petition of Municipal Council, United Spanish War Veterans, of New York City, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of Fancy Leather Goods Manufacturers' Association, of New York, for enactment of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Memorial of Post No. 19, American Veterans of Foreign Service, for certain legislation; to the Committee on Military Affairs.

By Mr. McDERMOTT: Petition of members of Tug Firemen and Linemen's Protective Association, for enactment of House bill 18787; to the Committee on Labor.

By Mr. McGILLICUDDY: Petitions of citizens of the State of Maine, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of Local Union No. 49, Metal Polishers, etc., of Rock Island, Ill., asking for the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Woman's Christian Temperance Union of Aledo, Ill., for passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Broken Bow and Weeping Water, Nebr., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOON of Tennessee: Petition of citizens of Hamilton County, Tenn., for enactment of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. MORSE of Wisconsin: Petition of the Merchants of Tomahawk, Wis., protesting against the passage of any act extending the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of the Central Federated Union of Greater New York, in favor of House bill 11032, regulating the issuance of restraining orders, etc.; to the Committee on the Judiciary.

Also, petition of McCumber & Co., against the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Palermo Grange, No. 309, Patrons of Husbandry, against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of Business Men's Association of Morrisville, N. Y., in favor of 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of International Dry Farming Congress, in favor of the Lever bill for agricultural education; to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of Oswego, N. Y., favoring a readjustment of railroad freight rates; to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Memorial of the San Francisco Chamber of Commerce, against the chemical bill; to the Committee on Ways and Means.

Also, petitions of Christian Church of Denair, Cal., the Woman's Christian Temperance Union of Denair, Cal., the Friends Church of Denair, Cal., the Mission Church of Denair, Cal., and 250 members of the congregation of the Central Methodist Episcopal Church, of Stockton, Cal., for the speedy passage of the Kenyon-Sheppard interstate liquor bill (S. 4043; H. R. 16214) to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Memorial of the Rhode Island Branch, American Federation of Labor, encouraging a congressional investigation of the Newport torpedo station, and having the conditions that exist at the said station compare favorably with those existing in other navy yards; to the Committee on Naval Affairs.

Also, petition of the Daughters of the American Revolution of Providence, R. I., indorsing House bill 19641; to the Committee on Appropriations.

Also, memorial of Providence (R. I.) Board of Trade, favoring park-commission plan for Lincoln memorial and opposing roadway for such memorial; to the Committee on the Library.

Also, petition of the Pawtucket (R. I.) Business Men's Association, favoring Senate bill 4308 and House bill 17736; to the Committee on the Post Office and Post Roads.

Also, petition of the Rhode Island Business Men's Association, of Providence, favoring better legislation on subject of butter; to the Committee on Agriculture.

Also, petition of Providence (R. I.) Board of Trade, favoring toll exemption for American coastwise ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Providence Board of Trade, favoring resolution by Mr. PETERS to extend governmental recognition to the Fifth International Congress of Chambers of Commerce and appropriating \$50,000 for expenses of same, etc.; to the Committee on Appropriations.

Also, petition of Sidney F. Hoar Camp, United Spanish War Veterans, favoring Senate bill 291 and House bill 1235; to the Committee on Military Affairs.

Also, petition of Rhode Island Department, Spanish War Veterans, favoring Senate bill 291 and House bill 1235; to the Committee on Military Affairs.

Also, petition of Wightman & Hugh Co., Providence, R. I., urging parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of Sidney F. Hoar Camp, United Spanish War Veterans, favoring House bill 17470; to the Committee on Pensions.

Also, petition of Providence (R. I.) Retail Grocers and Marketmen, favoring the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of board of trade, urging exemption of American vessels from Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of First Congregational Church of Bristol, R. I., favoring the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, memorial of the United Irish Societies of Chicago, opposing the Anglo-American treaty now before the United States Senate, because it is in reality an alliance with England, which, under the cloak of peace, is "an arbitration" tax designed to strengthen England's position in European politics; to the Committee on Foreign Affairs.

Also, petition of sundry commercial associations and chambers of commerce of the State of Washington, urging no tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of San Jose Chamber of Commerce, that there should be no tolls charged through the Panama Canal to vessels flying the American flag engaged in coastwise traffic of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. OLDFIELD: Petitions of citizens of the State of Arkansas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. PATTON of Pennsylvania: Petition of Young People's Society, Swedish Lutheran Church, of Bradford, Pa., and the congregation of the Salvation Army of Bradford, Pa., favoring the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

By Mr. PAYNE: Petition of citizens of Auburn, N. Y., for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. POWERS: Papers to accompany bill for the relief of William Herron; to the Committee on Pensions.

By Mr. RAKER: Memorial of San Francisco Center of California Civic League, favoring the enforcement of the white-slave traffic act; to the Committee on Interstate and Foreign Commerce.

Also, petition of F. Leininger, of Ione, Cal., for the immediate enactment into law of the Postal Progress League parcel-post bill (H. R. 14), by Mr. SULZER, of New York; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Petition of Oregon Retail Hardware and Implement Dealers' Association, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of the New England Shoe and Leather Association, against passage of House bill 16884; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Naugatuck, R. I., for enactment of Berger old-age pension bill; to the Committee on Pensions.

Also, petition of the New England Conference on Rural Progress, in favor of Senate bill 4563 and House bill 18160; to the Committee on Agriculture.

Also, petitions of citizens of New Haven, Conn., for enactment of House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, petition of the German-American Alliance of New Britain, Conn., protesting against legislation on prohibition of interstate liquor traffic; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Memorial of New York Board of Trade and Transportation, relative to the national harbor of refuge; to the Committee on Rivers and Harbors.

Also, memorial of the city council of Portsmouth, N. H., in opposition to abolishing the Portsmouth Navy Yard; to the Committee on Naval Affairs.

Also, memorial of citizens of Lynn, Mass., for rejection of arbitration treaties; to the Committee on Foreign Affairs.

Also, petition of members of Improved Order of Red Men, of Lynn, Mass., for an American Indian memorial and museum

building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. ROUSE: Memorials of the German-American Alliance of Covington, Ky.; the German-American Alliance of the State of Kentucky; and the German-American Alliance of Newport, Ky., against Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, memorial of Greenwood Grange, of Hebron, Ky., in regard to House bill 18493; to the Committee on Agriculture.

Also, memorial of Newport (Ky.) Socialist Party, indorsing the Berger resolution to submit a constitutional amendment extending the right of suffrage to women; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of citizens of the State of New Jersey, for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of Larkin Co., of Buffalo, favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of 73 citizens of Comstock, Mich.; the Congregational Church, Prattville; the Congregational Aid Society of Prattville; the Woman's Christian Temperance Union of Prattville; and 29 citizens of Bronson, Mich., for passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of T. L. Mills, of Hillsdale, Mich., favoring reduction of tax on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of merchants of Pittsford, Mich., and National Federation of Retail Merchants, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. STEVENS of Minnesota: Petition of citizens of Windom, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS: Petition of sundry citizens of Metcalf County, Ky., protesting the passage of the Sunday-observance bill (H. R. 9433); to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Memorial of New England Conference on Rural Progress, favoring Senate bill 4563 and House bill 18160; to the Committee on Agriculture.

Also, petition of the New England Shoe and Leather Association, opposing House bill 16884; to the Committee on Ways and Means.

Also, memorial of the German American Alliance, George Wessels, president; Bruno Hentschel, secretary, opposing prohibition and interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of citizens of Riverton, Essex, and New Market, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Sidney, Randolph, and Van Wert, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Memorial of the Business Men's Association of Pawtucket, R. I., for 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for the relief of John P. Campbell (H. R. 21472); to the Committee on Invalid Pensions.

Also, petition of Kent County (R. I.) Chapter, Sons of American Revolution, for legislation authorizing the collection and publication of military and naval records of the Revolution; to the Committee on Military Affairs.

Also, memorial of the Board of Trade of Providence, R. I., relative to Fifth International Congress of Chambers of Commerce; to the Committee on Foreign Affairs.

Also, memorial of the Boston (Mass.) Fruit and Produce Exchange, for enactment of House bill 19795; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the First Baptist Church of Greenwich and the Woman's Christian Temperance Unions of Providence and Woonsocket, R. I., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WEEKS: Petition of the Federated Churches, Watertown, Mass., favoring Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILLIS: Papers to accompany House bill 18641, for the relief of Isalah Haylin McDonald; to the Committee on Military Affairs.

Also, resolutions of Century Grange, of East Liberty, Ohio, in favor of the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, memorial of the convention of District No. 6, United Mine Workers of America, in favor of the enactment of legislation to provide old-age pensions; to the Committee on Pensions.

Also, petition of S. A. Buchanan and 15 other citizens of Bellefontaine, Ohio, asking for the enactment of legislation to abolish the free distribution of garden and flower seed; to the Committee on Agriculture.

Also, papers to accompany House bill 21696, granting a pension to John Hendershott; to the Committee on Invalid Pensions.

By Mr. YOUNG of Texas: Petition of certain residents of Mabank, Tex., and vicinity, favoring Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, March 12, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	Martine, N. J.	Simmons
Bourne	Dillingham	Nelson	Smith, Ga.
Brandeggee	Fletcher	Nixon	Smith, Md.
Briggs	Foster	O'Gorman	Smith, Mich.
Bristow	Gallinger	Oliver	Smith, S. C.
Brown	Gardner	Overman	Smoot
Bryan	Hitchcock	Page	Sutherland
Burnham	Johnson, Me.	Penrose	Swanson
Chamberlain	Johnson, Ala.	Percy	Taylor
Clapp	Jones	Perkins	Thornton
Clark, Wyo.	Lea	Rayner	Warren
Clarke, Ark.	Lodge	Reed	Watson
Crawford	McCumber	Richardson	Wetmore
Cullom	McLean	Root	Williams
Cummins	Martin, Va.	Shively	

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent on account of the death of his mother. This notice will stand for the rest of the day.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names, and a quorum of the Senate is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAYTON, Mr. CARLIN, and Mr. STERLING managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

S. 339. An act providing for the reappraisal and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes; and

S. J. Res. 83. Joint resolution making appropriations to meet certain contingent expenses of the Senate.

REGULATION OF IMMIGRATION.

Mr. LODGE. I gave notice yesterday that on Wednesday I would call up the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States. I ask leave to change that notice to Monday next.

The PRESIDENT pro tempore. The change will be made as requested, without objection.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of the congregations of the Methodist Episcopal Church of East Stroudsburg, Pa.; the Presbyterian Church of East Stroudsburg, Pa., and of the Presbyterian Church of Echo Lake Town, Pa., and of the Woman's Christian Temperance Unions of Chautauqua, N. Y., and Woburn, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.